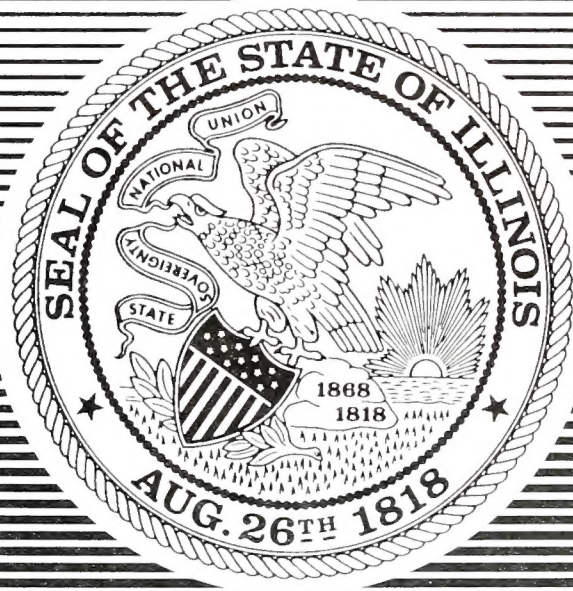


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2001

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 25, Issue 05
February 02, 2001

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 8*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	December 7
Issue 22	May 21	June 1	Issue 49	November 26	December 14
Issue 23	May 29*	June 8	Issue 50	December 3	December 21
Issue 24	June 4	June 15	Issue 51	December 10	December 28
Issue 25	June 11	June 22	Issue 52	December 17	January 4, 2002
Issue 26	June 18	June 29	Issue 1	December 26 (Wed Next)	
Issue 27	June 25	July 6			

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number:
310.270 Proposed Action:
Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.270, Legislated and Contracted Rate, the annual salary for the Arbitrator is being increased from \$90,657 to \$94,657.92, effective July 1, 2000.

6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain any incorporations by reference? No

9) Are there any proposed amendments pending to this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.280	Amend	24 Ill. Reg. 14844
310.280	Amend	24 Ill. Reg. 15486
310. Appendix A, Table AB	Amend	24 Ill. Reg. 16151
310.290	Amend	24 Ill. Reg. 17384
310.280	Amend	25 Ill. Reg. 811

10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
(217) 782-5601

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

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310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
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310.80 Increases in Pay
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310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 2001
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
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310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone (Repealed)
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 2001
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

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TABLE AA NR-916 (Department of Natural Resources, Teamsters)
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C RC-069 (Firefighters, AFSCME)
TABLE D HR-001 (Teamsters Local #726)
TABLE E RC-020 (Teamsters Local #330)
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TABLE G RC-045 (Automotive Mechanics, IFPE)
TABLE H RC-006 (Corrections Employees, AFSCME)
TABLE I RC-009 (Institutional Employees, AFSCME)
TABLE J RC-014 (Clerical Employees, AFSCME)
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TABLE L RC-008 (Boilermakers)
TABLE M RC-110 (Conservation Police Lodge)
TABLE N RC-010 (Professional Legal Unit, AFSCME)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code (20 ILCS 415/8 and 8a).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5088, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7,

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TABLE X RC-063 (Professional Employees, AFSCME)
 TABLE Y RC-063 (Educators, AFSCME)
 TABLE Z RC-063 (Physicians, AFSCME)
 APPENDIX B Schedule of Salary Grades - Monthly Rates of Pay for Fiscal
 APPENDIX C Medical Administration Rates for Fiscal Year 2001
 APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2001
 APPENDIX E Teaching Salary Schedule (Repealed)
 APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
 APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7290, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 1765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg.

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3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20384, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 26, 1989; maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12847; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18954, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 563, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

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1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5088, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

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1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 22 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; peremptory amendment at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7,

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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code (20 ILCS 415/8 and 8a).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

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3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

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1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 29, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

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1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective September 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective October 5, 1998; peremptory amendment at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7,

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2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.270 Legislated and Contracted Rate

The rate of pay for employees occupying positions which require payment in accordance with specified rates set forth in legislation or by contract. The positions and rates of pay in this Section are as follows:

Arbitrator

Annual Salary

\$90,657

94,537.92

When an Arbitrator is serving as an acting Commissioner of the Illinois Industrial Commission, the appropriate rate will be the same as the rate set for a Commissioner.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Numbers: Proposed Action:
10.410 Amendment
10.415 Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].
- 5) A Complete Description of the Subjects and Issues involved: These proposed amendments revise the application for assistance provisions.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and, not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF HUMAN SERVICES

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C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10
GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	
10.101	Incorporation by Reference
10.110	Applicability
10.120	Definitions
10.130	Assistance Programs
10.140	Assistance Program Restrictions

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	
10.210	Rights of Clients
10.220	Nondiscrimination
10.225	Grievance Rights of Clients
10.230	Confidentiality of Case Information
10.235	Case Records
10.250	Reporting Change of Circumstances
10.263	Reporting Child Abuse/Neglect
10.268	Reporting Elder Abuse/Neglect
10.270	Notice to Client
10.280	Right to Appeal
10.281	Continuation of Assistance Pending Appeal
10.282	Time Limit for Filing an Appeal
10.283	Examining Department Records
10.284	Child Care
10.290	Voluntary Repayment of Assistance
10.295	Correction of Underpayments
10.300	Recovery of Assistance
10.310	Estate Claims
10.320	Real Property Liens
10.330	Filing and Renewal of Liens
10.340	Foreclosure of Liens
10.350	Release of Liens
10.360	Personal Injury Claims
10.370	Convictions of Fraud - Eligibility
10.380	Single Conviction of Fraud - Administrative Review Board

SUBPART C: APPLICATION PROCESS

Section	
10.410	Application for Assistance
10.415	Local Office Action on Application for Public Assistance

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- 10.420 Time Limitations on the Disposition of an Application
 10.430 Approval of an Application and Initial Authorization of Financial Assistance
 10.438 General Assistance Approval Provisions
 10.440 Denial of an Application

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective November 26, 1997; amended at 22 Ill. Reg. 19816, effective November 1, 1998; amended at 23 Ill. Reg. 6944, effective June 1, 1999; amended at 24 Ill. Reg. 7856, effective May 16, 2000; amended at 24 Ill. Reg. 18153, effective November 30, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: APPLICATION PROCESS

Section 10.410 Application for Assistance

- a) An application is a signed request for assistance on a Department of Human Services (Department) form which has been completed to the best of the client's knowledge and ability.
- b) The application must contain a name, address, and signature (or signatures). If the application does not contain a name, address, and signature (or signatures), the local office shall return the application to the sender to obtain the missing information. ~~The application must contain an original signature or signatures. If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.~~
- 1) If a person is homeless, he or she may use the address of a friend or relative, supervised shelter, church, halfway house, or similar facility.
- 2) If a person is homeless and does not have a permanent address, he or she may use the address of the local office that is closest to where he or she is living.
- c) The application must be signed by the applicant with the following exceptions:
- 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
 - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly on behalf of the applicant.
 - 3) When application is made on behalf of a child, the child's caretaker must sign the application.
 - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person

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- d) Authorized by the applicant to act on his or her behalf.) Application for medical assistance may be made on behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the date a completed ~~original~~ application is received by the local office serving the area of the State in which the applicant lives, with the following exceptions: ~~with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally-qualified health center; the date of application by the applicant shall be the date of application.~~

- 1) For applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally-qualified health center, the date the application is signed by the applicant shall be the date of application.
- 2) When an application is faxed to a local office after 5:00 P.M. on a workday, or on a weekend or holiday, the application date is the next workday following the date the application is received in the local office.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 10.415 Local Office Action on Application for Public Assistance

Upon a person's making application for public assistance at a local office, the local office shall consider that person's eligibility for all forms of public assistance according to the appropriate eligibility rules for assistance programs, unless the person has indicated in writing that he or she does not want to apply for certain programs. A signed ~~original~~ application form on which the person indicates the program or programs for which he or she does or does not want to apply constitutes the person's written statement. The words "public assistance" constitute the assistance provided by the Department or DPA as specified in Articles III, IV, V, and VI of the Public Aid Code, namely Aid to the Aged, Blind and Disabled, Temporary Assistance for Needy Families, Refugee Assistance program, the Department of Public Aid's Medical Programs and General Assistance (where administered by the Department). Upon a person's making application for public assistance at a local office, the local office shall also consider that person's eligibility for the United States Department of Agriculture's food stamp program (unless the applicant has indicated in writing that he or she does not want food stamps) and for such other programs as the Department may from time to time be administering pursuant to the laws

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and regulations of the State and Federal government. A signed ~~original~~ application form on which the person indicates whether he or she wants to apply for food stamps or any other programs that the Department may offer at any given time constitutes the person's written statement.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance

2) Code Citation: 50 Ill. Adm. Code 2008

3) Section Numbers: Proposed Action:
2008.30 Amendment
2008.40 Amendment
2008.71 Amendment
2008.75 Amendment
Appendix B Amendment
Appendix E Amendment
Appendix F Amendment
Appendix G Amendment
Appendix H Amendment
Appendix I Amendment
Appendix J Amendment
Appendix K Amendment
Appendix L Amendment

4) Statutory Authority: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].

5) A Complete Description of the Subjects and Issues Involved: As a result of amendments made to Section 1882 of the Social Security Act (SSA), which governs Medicare supplement insurance (Medigap), there is an immediate need for states to amend their Medigap regulations in order to maintain certification of their regulatory programs. Prior to amendment of the SSA, the NAIC model regulation to implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act set the standard for state certification. The current federal standard, however, consists of the NAIC model regulation and several new provisions added to the SSA. Therefore, current State Medigap regulatory programs, which include only the provisions contained in the NAIC model regulation, are not in compliance with federal standards and are in danger of having certification of their regulatory programs revoked by the Secretary of the Department of Health and Human Services (Secretary).

The NAIC is changing their model regulation which incorporates the necessary federal standards. At the urging of the NAIC, the Department is also going to amend Sections 2008.30, 2008.40, 2008.71, 2008.75, and 2008. Appendices B, E, F, G, H, I, J, K, and L, in order to bring the State's Medigap regulatory program into compliance with the current federal standards.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | |
|-------------------------|-------------------------|
| Eve Blackwell-Lewis | Susan Anders |
| Staff Attorney | Paralegal |
| Department of Insurance | Department of Insurance |
| 320 West Washington | or 320 West Washington |
| Springfield, Illinois | Springfield, Illinois |
| 62767-0001 | 62767-0001 |
| 217/524-1634 | 217/785-8220 |

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not anticipate the need to make changes required by HCFA and the NAIC within the last 6 months.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS
TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2008
MINIMUM STANDARDS FOR INDIVIDUAL
AND GROUP MEDICARE SUPPLEMENT INSURANCE

Section	Authority
2008.10	Purpose
2008.20	Applicability and Scope
2008.30	Definitions
2008.40	Creditable Coverage
2008.45	Policy Definitions and Terms
2008.50	Policy Provisions
2008.60	Benefit Conversion Requirements During Transition (Repealed)
2008.61	Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to the Effective Date of this Part
2008.70	Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part
2008.71	Standard Medicare Supplement Benefit Plans
2008.72	Medicare Select Policies and Certificates
2008.73	Open Enrollment
2008.74	Guaranteed Issue for Eligible Persons
2008.75	Standards for Claims Payment
2008.76	Loss Ratio Standards and Refund or Credit of Premium
2008.80	Filing and Approval of Policies and Certificates and Premium Rates
2008.81	Permitted Compensation Arrangements
2008.82	Required Disclosure Provisions
2008.90	Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare
2008.91	Requirements for Application Forms and Replacement Coverage
2008.100	Standards for Marketing
2008.101	Appropriateness of Recommended Purchase and Excessive Insurance
2008.102	Reporting of Multiple Policies
2008.103	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
2008.104	Severability
2008.110	Effective Date (Repealed)
2008.120	
APPENDIX A	Policy Checklist
APPENDIX B	Outline of Medicare Supplement Coverage-Cover Page
APPENDIX C	Plan A
APPENDIX D	Plan B
APPENDIX E	Plan C

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APPENDIX F Plan D
 APPENDIX G Plan E
 APPENDIX H Plan F or High Deductible Plan F*
 APPENDIX I Plan G
 APPENDIX J Plan H
 APPENDIX K Plan I
 APPENDIX L Plan J or High Deductible Plan J*
 APPENDIX M Notice to Applicant Regarding Replacement of Accident and Sickness Insurance
 APPENDIX N Medicare Supplement Refund Calculation Format
 APPENDIX O Notice of Medicare Changes
 APPENDIX P Medicare Supplement Policies Report
 APPENDIX Q Disclosure Statements

AUTHORITY: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].

SOURCE: Adopted at 6 Ill. Reg. 7115, effective June 1, 1982 and January 1, 1983; codified at 7 Ill. Reg. 3474; emergency amendment at 13 Ill. Reg. 586, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8520, effective May 23, 1989; amended at 14 Ill. Reg. 19243, effective November 27, 1990; amended at 16 Ill. Reg. 2766, effective February 11, 1992; corrected at 16 Ill. Reg. 3590; amended at 16 Ill. Reg. 15452, effective September 29, 1992; emergency amendment at 16 Ill. Reg. 19226, effective December 1, 1992, for a maximum of 150 days; emergency expired April 29, 1993; amended at 17 Ill. Reg. 11469, effective July 9, 1993; amended at 20 Ill. Reg. 6393, effective April 28, 1996; amended at 23 Ill. Reg. 3704, effective March 10, 1999; amended at 23 Ill. Reg. 14700, effective January 1, 2000; amended at 24 Ill. Reg. 19151, effective January 1, 2001; amended at 25 Ill. Reg. _____, effective _____.

Section 2008.30 Applicability and Scope

- a) Except as otherwise specifically provided in Sections 2008.70, 2008.75, 2008.76, 2008.80, 2008.81, 2008.90 and 2008.103 of this Part, this Part shall apply to:
- 1) All Medicare supplement policies delivered or issued for delivery in this State on or after June 1, 1982, and
 - 2) All certificates issued under group Medicare supplement policies, which policies or contracts have been delivered or issued for delivery in this State.
- b) This Part shall not apply to:
- 1) "Accident Only" or "Specified Disease" types of policies (Section 363(1)(b) of the Illinois Insurance Code (the Code)), or
 - 2) Policies or health care benefit plans, including group conversion policies, provided to Medicare eligible persons, which policies or plans are not marketed or purported or held to be Medicare supplement policies or benefit plans (Section 363(1)(b) of the

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Code), or
 3) A policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 2008.40 Definitions

For the purposes of this Part:

Applicant means:

in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and

in the case of a group Medicare supplement policy, the proposed certificateholder (Section 363(2)(a) of the Code).

Bankruptcy means when a Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in this State.

Certificate means any certificate delivered or issued for delivery in this State under a group Medicare supplement policy (Section 363(2)(b) of the Code).

Certificate Form means the form on which the certificate is delivered or issued for delivery by the issuer.

Continuous Period of Creditable Coverage means the period during which an individual was covered by creditable coverage, if during the period of coverage the individual had no breaks in coverage greater than 63 days.

Code means the Illinois Insurance Code and any of the Acts in Chapter 215 of the Illinois Compiled Statutes.

Employee Welfare Benefit Plan means a plan, fund or program of employee benefits as defined in 29 USC 1002 (Employee Retirement Income Security Act).

Insolvency means when an issuer, licensed to transact the business of insurance in this State, has had a final order of liquidation entered

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against it with a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile.

Issuer includes insurance companies, fraternal benefit societies, health care service plans, and any other entity delivering or issuing for delivery in this State Medicare supplement policies or certificates.

Medicare means the Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

Medicare+Choice Plan means a plan of coverage for health benefits under Medicare Part C as defined in Section 1395w-28(b)(1) of the Social Security Act (42 USC 1395w-28(b)(1)) Section 1059-found-in title-iv--Subtitle-A-Chapter-1-of-P-57-105-39, and includes:

Coordinated care plans which provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option) and preferred provider organization plans;

Medicare medical savings account plans coupled with a contribution into a Medicare+Choice medical savings account; and

Medicare+Choice private fee-for-service plans.

Medicare Supplement Policy means a group or individual policy of (accident and sickness) insurance or a subscriber contract (of hospital and medical service associations) other than a policy issued pursuant to a contract under Section 1876 of the federal Federal Social Security Act (42 USC 1395 et seq.) or an issued policy under a demonstration project specified in 42 USC Section 1395ss(g)(1) which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare (Section 363(2)(c) of the Code).

Policy Form means the form on which the policy is delivered or issued for delivery by the issuer.

Secretary means the Secretary of the United States Department of Health and Human Services.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2008.71 Benefit Standards for Policies or Certificates Issued or

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Delivered on or After the Effective Date of this Part

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State on or after the effective date of this Part. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it complies with these benefit standards.

a) General Standards

The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this Part.

- 1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than 6 months from the effective date of coverage because the losses involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than as a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.
- 2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.
- 3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.
- 4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.
- 5) Each Medicare supplement policy shall be guaranteed renewable and:
 - A) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual;
 - B) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation;
 - C) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Section 2008.71(a)(5)(E), the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder):
 - i) provides for continuation of the benefits contained in the group policy, or
 - ii) provides for such benefits as otherwise meet the

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requirements of this subsection;

D) If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

- i) Offer the certificateholder the conversion opportunity described in Section 208.71(a)(5)(C), or
- ii) At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy; and

E) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

7) A Medicare supplement policy or certificate shall provide:

A) That benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed 24 months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within 90 days after the date the individual becomes entitled to such assistance.

B) If such suspension occurs and if the policyholder or certificateholder loses entitlement to such medical assistance, such policy or certificate shall be automatically reinstated (effective as of the date of termination of such entitlement) as of the termination of such entitlement if the policyholder or certificateholder provides notice of loss of such entitlement within 90 days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement.

C) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for the period provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits

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under Section 226(b) of the Social Security Act and is covered under a group health plan as defined in Section 1862(b)(1)(A)(v) of the Social Security Act. If suspension occurs and if the policyholder or certificateholder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

DE) Reinstitution of such coverages:

- i) Shall not provide for any waiting period with respect to treatment of preexisting conditions;

- ii) Shall provide for coverage which is substantially equivalent to coverage in effect before the date of such suspension; and

- iii) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended.

b) Standards for Basic ("Core") Benefits Common to All Benefit Plans

Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic "core" package, but not in lieu thereof.

- 1) Coverage of Part A Medicare Eligible Expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

- 2) Coverage of Part A Medicare Eligible Expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

- 3) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the Diagnostic Related Group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional 365 days;

- 4) Coverage under Medicare Parts A and B for the reasonable cost of the first 3 pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

- 5) Coverage for the coinsurance amount (or in the case of hospital outpatient department services under a prospective payment system, the copayment amount) of Medicare Eligible Expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

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- c) Standards for Additional Benefits
The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 208.72 of this Part.
- 1) Medicare Part A Deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.
 - 2) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.
 - 3) Medicare Part B Deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.
 - 4) Eighty Percent of the Medicare Part B Excess Charges: Coverage for 80% of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.
 - 5) One Hundred Percent of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or State law, and the Medicare-approved Part B charge.
 - 6) Basic Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible, to a maximum of \$1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare.
 - 7) Extended Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible to a maximum of \$3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare.
 - 8) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or illness of sudden and unexpected onset.
 - 9) Preventive Medical Care Benefit: Coverage for the following preventive health services:
 - A) An annual clinical preventive medical history and physical examination that may include tests and services from

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- subsection (c)(9)(B) below and patient education to address preventive health care measures.
- B) Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:
 - i) Digital Rectal-occult-blood-test-and/or-digital rectal examination;
 - ii) Mammogram;
 - iii) Dipstick urinalysis for hematuria, bacteriuria and proteinuria;
 - iiii) Pure tone (air only) hearing screening test, administered or ordered by a physician;
 - v) Serum cholesterol screening (every 5 years);
 - vi) Thyroid function test;
 - vii) Diabetes screening.
 - C) ~~influenza--vaccine--administered--at--any--appropriate--time during-the-year-and Tetanus and Diphtheria booster (every 10 years).~~
 - D) Any other tests or preventive measures determined appropriate by the attending physician.
 - E) Reimbursement shall be for the actual charges up to 100% of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of \$120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.
- 10) At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.
- A) For purposes of this benefit, the following definitions shall apply:
 - i) "Activities of daily living" include but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.
 - ii) "Care provider" means a duly qualified or licensed home health aide/homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.
 - iii) "Home" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

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- iv) "At-home recovery visit" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive 4 hours in a 24-hour period of services provided by a care provider is one visit.
- B) Coverage Requirements and Limitations
- i) At-home recovery services provided must be primarily services which assist in activities of daily living.
 - ii) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.
 - iii) Coverage is limited to:

No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment.

The actual charges for each visit up to a maximum reimbursement of \$40 per visit.

\$1,600 per calendar year.

7 visits in any one week.

Care furnished on a visiting basis in the insured's home.

Services provided by a care provider as defined in this Section.

At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded.

At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than 8 weeks after the service date of the last Medicare approved home health care visit.

C) Coverage is excluded for:

- i) Home care visits paid for by Medicare or other government programs; and

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- ii) Care provided by family members, unpaid volunteers or providers who are not care providers.
- 11) New or Innovative Benefits: An issuer may, with the prior approval of the Director, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2008.75 Guaranteed Issue for Eligible Persons

Pursuant to Section 1851(g) of the Federal Social Security Act (P.L. 105-33) all Medicare supplement insurance policies shall be guaranteed issue to eligible persons who meet the requirements of this Section effective July 1, 1998.

a) Guaranteed Issue

- 1) Eligible persons are those individuals described in subsection (b) of this Section who, subject to subsection (b)(2)(B) of this Section, apply to enroll under the policy not later than 63 days after the date of the termination of enrollment described in subsection (b) of this Section, and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

- 2) With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate described in subsection (c) of this Section that is offered and is available for issuance to new enrollees by the issuer; shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition; and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

b) Eligible person is an individual described in any of the following subsections:

- 1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan;

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2) The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described in subsections (b)(2), (3), (4), (5) and (6) of this Section that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare+Choice Plan:

A) The certification of the organization or plan under this Part has been terminated or the organization or plan has notified the individual of an impending termination of such certification; or ~~the organization's or plan's certification has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuance of such plan;~~

B) The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuance of such plan;

C) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856), or the plan is terminated for all individuals within a residence area;

D) The individual demonstrates, in accordance with guidelines established by the Secretary, that:

i) The organization offering the plan substantially violated a material provision of the organization's contract in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

E) The individual meets such other exceptional conditions as the Secretary may provide;

F) An individual:

i) identified in subsection (b)(2) of this Section may elect to apply subsection (a) of this Section by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.

ii) In the case of an individual making the election in subsection (b)(2)(F)(i) of this Section, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subsection (a) of this Section shall only become effective upon termination of coverage under the Medicare+Choice plan involved.

3) The individual's enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under subsection (b)(2) of this Section and they enrolled under:

A) An eligible organization under a contract under Section 1876 (Medicare risk or cost);

B) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

C) An organization under an agreement under Section 1833(a)(1)(A) (health care prepayment plan); or

D) An organization under a Medicare Select policy;

4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

A) Of the insolvency of the issuer or bankruptcy of the nonissuer organization;

B) Of other involuntary termination of coverage or enrollment under the policy;

C) The issuer of the policy substantially violated a material provision of the policy; or

D) The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

5) The individual was enrolled under a Medicare supplement policy and terminates ~~terminated~~ enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, any eligible organization under a contract under Section 1876 (Medicare risk or cost), any similar organization operating under demonstration project authority, any PACE program under Section 1894 of the Social Security Act, an organization under an agreement under

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Section 1833(a)(1)(A) (health care prepayment plan), or a Medicare Select policy; and the subsequent enrollment is voluntarily or involuntarily terminated during any period within the first 12 months of such subsequent enrollment; or

6) The individual, upon first enrolling under Part B of Medicare at age 65 or older, enrolls in a Medicare+Choice plan under Part C of Medicare or in a PACE program under Section 1894, and voluntarily or involuntarily disenrolls from the plan or program by not later than 12 months after the effective date of enrollment.

c) Products to Which Eligible Persons are Entitled

The Medicare supplement policy to which eligible persons are entitled under:

- 1) Subsection (b)(1), (2), (3), and (4) of this Section is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, or F offered by any issuer.
- 2) Subsection (b)(5) of this Section is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not available, a policy described in subsection (c)(1) of this Section.

- 3) Subsection (b)(6) of this Section shall include any Medicare supplement policy offered by any issuer.

d) Notification Provisions

- 1) At the time of an event described in subsection (b) of this Section, because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under subsection (a) of this Section. Such notice shall be communicated contemporaneously with the notification of termination.

- 2) At the time of an event described in subsection (b) of this Section, because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under subsection (a) of this Section. Such notice shall be communicated within 10 working days after the issuer receives notification of disenrollment.

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SECTION 2008, APPENDIX B Outline Of Medicare Supplement Coverage-Cover Page

[COMPANY NAME]
Outline of Medicare Supplement Coverage-Cover Page
Benefit Plan (insert letter's of plans/ being offered)

Medicare supplement insurance can be sold in only ten standard plans plus two high deductible plans. This chart shows the benefits included in each plan. Every company must make available Plan "A". Some plans may not be available in Illinois.

BASIC BENEFITS: Included in All Plans.
Hospitalization: Part A coinsurance plus coverage for 365 additional days after Medicare care benefits end.

Medical Expenses: Part B coinsurance (20% of Medicare-approved expenses), or in the case of hospital outpatient department services under a prospective payment system, applicable copayments.

Blood: First three pints of blood each year.

A	B	C	D	E
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
	Skilled Nursing Facilities	Skilled Nursing Facilities	Skilled Nursing Facilities	Skilled Nursing Facilities
Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible
	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)
	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency
	Part B At Home Recovery	Part B At Home Recovery	Part B At Home Recovery	Part B At Home Recovery
	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)
	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)
	Part B Preventive Care	Part B Preventive Care	Part B Preventive Care	Part B Preventive Care

(continued)

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F	F*	G	H	I	J	J*
Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits	Basic Benefits
Skilled Nursing Facilities	Skilled Nursing Facilities	Skilled Nursing Facilities	Skilled Nursing Facilities	Skilled Nursing Facilities	Skilled Nursing Facilities	Skilled Nursing Facilities
Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible
Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible	Part B Deductible
Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)	Part B Excess (100%)
Part B Foreign Travel Emergency	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency	Part B Foreign Travel Emergency
Part B At Home Recovery	Part B At Home Recovery	Part B At Home Recovery	Part B At Home Recovery	Part B At Home Recovery	Part B At Home Recovery	Part B At Home Recovery
Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)	Part B Basic Drugs (\$_____)
Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)	Part B Extended Drugs (\$_____)
Part B Preventive Care	Part B Preventive Care	Part B Preventive Care	Part B Preventive Care	Part B Preventive Care	Part B Preventive Care	Part B Preventive Care

Plans F and J also have an option called a high deductible plan F and a high deductible plan J*. These high deductible plans pay the same or offer the same benefits as Plans F and J after one has paid a calendar year \$1530±500± deductible. Benefits from high deductible plans F and J will not begin until out-of-pocket expenses are \$1530±500±. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but does not include, in plan J, the plan's separate prescription drug deductible or, in Plans F and J, the plan's separate foreign travel emergency deductible.

NOTE:

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Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear above. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

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PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

DISCLOSURES [Boldface Type]

Use this outline to compare benefits and premiums among policies.

READ YOUR POLICY VERY CAREFULLY

This is only an outline, describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

(for producers:)

Neither (insert company's name) nor its agents are connected with Medicare.

(for direct response:)

(insert company's name) is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security office or consult "Medicare & You" ~~the~~ **Medicare-Handbook** for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is

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(PLAN C Continued)

MEDICARE (PART B) - Medical Services - Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN-OUT-OF-POCKET THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services, and x-rays, physical and speech therapy, diagnostic tests, durable medical equipment, prostheses, and other services.			
First \$100 of Medicare-Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	generally 80%	generally 20%	\$0
Part B Excess Charges Above Medicare-Approved Amounts	\$0	\$0	Amount
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare-Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES - BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE			
MEDICARE APPROVED SERVICES	100%	\$0	\$0
-Manually necessary, skilled, care services and medical supplies			
-Durable medical equipment			
First \$100 of Medicare-Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0

(continued)

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(Plan C Continued)

OTHER BENEFITS-Not Covered By Medicare

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE			
Medically necessary emergency transportation to a hospital or to a designated place of care, if such transportation is necessary for the life of the insured.	\$0	\$0	\$0
First \$100 of Medicare-Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2008. APPENDIX F Plan D

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the cracks appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

the benefit period begins on the first day you received service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[illegible]

continued

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(Plan D Continued)

MEDICARE (PART B)-Medical Services-Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services, which are listed with an asterisk, your Part B Deductible will have been met for the calendar year.

[illegible]

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES			
- Medical services, including but not limited to nursing services and medical supplies	7		7
- Durable medical equipment	50		50
First \$100 of Medicare hospital inpatient services			
Amounts:			
Reimbursement of Medicare hospital inpatient services	90%		90%

penalties

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Section 2008.APPENDIX G Plan E

MEDICARE (PART A) - Hospital Services - Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Services to inpatient and hospital outpatients, including medical and surgical services, nursing care, and other services furnished in a hospital.			
First 60 days	All but (\$ _____)	(\$ _____) Part A Deductible	\$0
61st thru 90th day	All but (\$ _____)	(\$ _____) 1 a day	\$0
91st thru and after	All but (\$ _____)	(\$ _____) 1 a day	\$0
After 90-day lifetime reserve days	All but (\$ _____)	(\$ _____) 1 a day	\$0
After lifetime reserve days are used	\$0	100% of Medicare-Eligible Expenses	\$0
Additional 90 days	\$0	All costs	All costs
Periods of Absence of 60 days	\$0		
SKILLED NURSING FACILITY CARE Services to Medicare beneficiaries who are confined to a skilled nursing facility for medical reasons, including medical and surgical services, nursing care, and other services furnished in a skilled nursing facility.			
First 20 days	All but (\$ _____)	(\$ _____) 1 a day	\$0
21st thru 100th day	All but (\$ _____)	(\$ _____) 1 a day	\$0
101st thru and after	\$0	All costs	All costs
BLOOD Blood and blood products	\$0	100%	\$0
HOSPICE CARE Services to terminally ill patients who are certified by a physician as being terminally ill, including medical and surgical services, nursing care, and other services furnished in a hospice facility.			
First 90 days	All but (\$ _____)	(\$ _____) 1 a day	\$0
91st thru and after	\$0	All costs	All costs

(continued)

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(Plan E Continued)

MEDICARE (PART B)-Medical Services-Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES -Part B of Medicare covers medical services furnished by a physician or other qualified health care professional, including medical and surgical services, diagnostic tests, physical and speech therapy, durable medical equipment, prosthetics, and other services.			
First \$100 of Medicare-Approved Amounts*	\$0	generally 80%	\$0
Remainder of Medicare-Approved Amounts	\$0	generally 80%	\$0
Part B Excess Charges (Above Medicare-Approved Amounts)	\$0	All costs	\$0
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare-Approved Amounts*	\$0	20%	\$0
Remainder of Medicare-Approved Amounts	\$0	20%	\$0
CLINICAL LABORATORY SERVICES -BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE Medicare-Approved services furnished by a qualified health care professional in the patient's home.	80%	\$0	\$0
MEDICARE-APPROVED SERVICES Medicare-Approved services furnished by a qualified health care professional in the patient's home.	80%	\$0	\$0
Part B Deductible	\$0	\$0	\$0
Part B Deductible	\$0	\$0	\$0

(continued)

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NOTICE OF PROPOSED AMENDMENTS

(Plan E Continued)

OTHER BENEFITS-Not Covered By Medicare

*Medicare benefits are subject to change. Please consult the latest Guide to Health Insurance for People with Medicare.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary emergency services begining during the first 60 days of each trip outside the U.S.A.	\$0	\$0	(\$250) If cost is amount over the \$250, 80% lifetime maximum
First \$_____ each year Remainder of Charges	\$0	80% to a lifetime maximum benefit of \$25,000	
*PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE Some annual physical and preventive tests and services such as: digital rectal exam, prostate screening, diastolic arterial blood pressure, cholesterol screening, thyroid function test, tetanus and diphtheria booster and polio, administered as ordered by your doctor when not covered by Medicare.	\$0	\$0	(\$_____)
- First \$_____ each year - Additional charges	\$0	\$0	All costs

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2008. APPENDIX H Plan F or High Deductible Plan F

MEDICARE (PART A)-Hospital Services-Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

**This high deductible plan pays the same or offers the same benefits as Plan F after one has paid a calendar year-\$1500-\$1530 deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are \$1500-\$1530. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1500-\$1530 DEDUCTIBLE, PLAN PAYS	IN ADDITION TO \$1500-\$1530 DEDUCTIBLE YOU PAY
HOSPITALIZATION* Skilled nursing care and other general inpatient and hospital services the patient receives.			
First 90 days	Medicare Part A	\$_____ a day	\$0
61st thru 90th day	All but (\$_____)	(\$_____ a day)	\$0
91st day and after	All but (\$_____)	(\$_____ a day)	\$0
-While using 90 lifetime reserve days			
-Once lifetime reserve days are used			
-After 90 days	\$0	100% Medicare Part A	\$0
-Beyond the Additional 90 days	\$0		All costs
SKILLED NURSING FACILITY CARE You must meet Medicare's requirements including living in a hospital or skilled nursing facility, being certified by a doctor, and receiving medical services that require nursing care for at least 20 days of the first 100 days of the benefit period.			
First 20 days	All but reserved amount	\$0	\$0
21st thru 100th day	All but (\$_____ a day)	(\$_____ a day)	\$0
After 100th day and after	\$0	\$0	All costs
BLOOD For transfusion	\$0	\$0	\$0
HOSPITAL CARE While in hospital, your doctor certifies that you are in need of inpatient care.	\$0	\$0	Room

(continued)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

Section 2008. APPENDIX I Plan G

MEDICARE (PART A)-Hospital Services-Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board, general nursing, and miscellaneous services and supplies			
First 60 days	All but (\$)	(\$) (Part A Deductible)	\$0
61st thru 90th day	All but (\$) a day	(\$) a day	\$0
91st day and after;	All but (\$) a day	(\$) a day	\$0
While using 60 lifetime reserve days	All but (\$) a day		\$0
After lifetime reserve days are used			
-Additional 365 days	\$0	100% of Medicare Eligible Expenses	\$0
-Beyond the Additional 365 days	\$0	\$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 30 days and entered a Medicare-approved skilled nursing facility within 30 days of leaving the hospital			
First 30 days	All approved amounts	\$0	\$0
21st thru 90th day	All but (\$) a day	First \$ a day	\$0
91st day and after	\$0	\$0	All costs
BLOOD			
First 3 pints	\$0	100%	\$0
Additional amounts	100%	\$0	\$0
HOSPICE CARE Available as long as your doctor certifies you are continually ill and you seek to receive these services	All but zero limited co-insurance or copayments for drugs and other services	\$0	Balance

(continued)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

(Plan G Continued)

MEDICARE (PART B)-Medical Services-Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services which are noted with an asterisk, your Part B Deductible will have been met for the calendar year

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES (NOT COVERED BY THE HOSPITAL AND HOSPITAL, PART A, HOSPITAL, TRAVEL, and other services, including ambulance, medical and nursing services, and other services, physical and speech therapy, other services, and other services, and other services)			
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 Part B Deductible
Remainder of Medicare Approved Amounts	80%	80%	20%
Part B Excess Charges (Above Medicare Approved Amounts)	\$0	\$0	\$0
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 Part B Deductible
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary skilled care services provided in your home	100%	\$0	\$0
-Duration of care is up to 90 days	\$0	\$0	\$100 Part B Deductible
-Remainder of Medicare Approved Amounts	80%	20%	\$0

(continued)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS
(Plan G Continued)

MEDICARE (PARTS A & B)-(CONTINUED)

PARTS A & B (cont'd)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd) At-home care by a nurse, physician, or other qualified person under a plan of care approved by the Department of Public Health.	\$0	Balance	
Skilled nursing care in a hospital or nursing home, if approved by the Department of Public Health.	\$0	Balance	
Skilled nursing care in a private home, if approved by the Department of Public Health.	\$0	Balance	

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medicare does not cover travel expenses for medical care outside the United States.			
First \$100 of expenses for medical care outside the United States.	\$0		
Balance of expenses for medical care outside the United States.			

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS
Section 2008. APPENDIX J Plan H

MEDICARE (PART A)-Hospital Services-Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Skilled nursing care in a hospital, if approved by the Department of Public Health.	All but \$0	Balance	\$0
First 90 days of care.	All but \$0	Balance	\$0
Days 91-150 of care.	All but \$0	Balance	\$0
Days 151-180 of care.	All but \$0	Balance	\$0
Days 181-210 of care.	All but \$0	Balance	\$0
Days 211-280 of care.	All but \$0	Balance	\$0
Days 281-360 of care.	All but \$0	Balance	\$0
Days 361-440 of care.	All but \$0	Balance	\$0
Days 441-520 of care.	All but \$0	Balance	\$0
Days 521-600 of care.	All but \$0	Balance	\$0
Days 601-680 of care.	All but \$0	Balance	\$0
Days 681-760 of care.	All but \$0	Balance	\$0
Days 761-840 of care.	All but \$0	Balance	\$0
Days 841-920 of care.	All but \$0	Balance	\$0
Days 921-1000 of care.	All but \$0	Balance	\$0
Days 1001-1080 of care.	All but \$0	Balance	\$0
Days 1081-1160 of care.	All but \$0	Balance	\$0
Days 1161-1240 of care.	All but \$0	Balance	\$0
Days 1241-1320 of care.	All but \$0	Balance	\$0
Days 1321-1400 of care.	All but \$0	Balance	\$0
Days 1401-1480 of care.	All but \$0	Balance	\$0
Days 1481-1560 of care.	All but \$0	Balance	\$0
Days 1561-1640 of care.	All but \$0	Balance	\$0
Days 1641-1720 of care.	All but \$0	Balance	\$0
Days 1721-1800 of care.	All but \$0	Balance	\$0
Days 1801-1880 of care.	All but \$0	Balance	\$0
Days 1881-1960 of care.	All but \$0	Balance	\$0
Days 1961-2040 of care.	All but \$0	Balance	\$0
Days 2041-2120 of care.	All but \$0	Balance	\$0
Days 2121-2200 of care.	All but \$0	Balance	\$0
Days 2201-2280 of care.	All but \$0	Balance	\$0
Days 2281-2360 of care.	All but \$0	Balance	\$0
Days 2361-2440 of care.	All but \$0	Balance	\$0
Days 2441-2520 of care.	All but \$0	Balance	\$0
Days 2521-2600 of care.	All but \$0	Balance	\$0
Days 2601-2680 of care.	All but \$0	Balance	\$0
Days 2681-2760 of care.	All but \$0	Balance	\$0
Days 2761-2840 of care.	All but \$0	Balance	\$0
Days 2841-2920 of care.	All but \$0	Balance	\$0
Days 2921-3000 of care.	All but \$0	Balance	\$0
Days 3001-3080 of care.	All but \$0	Balance	\$0
Days 3081-3160 of care.	All but \$0	Balance	\$0
Days 3161-3240 of care.	All but \$0	Balance	\$0
Days 3241-3320 of care.	All but \$0	Balance	\$0
Days 3321-3400 of care.	All but \$0	Balance	\$0
Days 3401-3480 of care.	All but \$0	Balance	\$0
Days 3481-3560 of care.	All but \$0	Balance	\$0
Days 3561-3640 of care.	All but \$0	Balance	\$0
Days 3641-3720 of care.	All but \$0	Balance	\$0
Days 3721-3800 of care.	All but \$0	Balance	\$0
Days 3801-3880 of care.	All but \$0	Balance	\$0
Days 3881-3960 of care.	All but \$0	Balance	\$0
Days 3961-4040 of care.	All but \$0	Balance	\$0
Days 4041-4120 of care.	All but \$0	Balance	\$0
Days 4121-4200 of care.	All but \$0	Balance	\$0
Days 4201-4280 of care.	All but \$0	Balance	\$0
Days 4281-4360 of care.	All but \$0	Balance	\$0
Days 4361-4440 of care.	All but \$0	Balance	\$0
Days 4441-4520 of care.	All but \$0	Balance	\$0
Days 4521-4600 of care.	All but \$0	Balance	\$0
Days 4601-4680 of care.	All but \$0	Balance	\$0
Days 4681-4760 of care.	All but \$0	Balance	\$0
Days 4761-4840 of care.	All but \$0	Balance	\$0
Days 4841-4920 of care.	All but \$0	Balance	\$0
Days 4921-5000 of care.	All but \$0	Balance	\$0
Days 5001-5080 of care.	All but \$0	Balance	\$0
Days 5081-5160 of care.	All but \$0	Balance	\$0
Days 5161-5240 of care.	All but \$0	Balance	\$0
Days 5241-5320 of care.	All but \$0	Balance	\$0
Days 5321-5400 of care.	All but \$0	Balance	\$0
Days 5401-5480 of care.	All but \$0	Balance	\$0
Days 5481-5560 of care.	All but \$0	Balance	\$0
Days 5561-5640 of care.	All but \$0	Balance	\$0
Days 5641-5720 of care.	All but \$0	Balance	\$0
Days 5721-5800 of care.	All but \$0	Balance	\$0
Days 5801-5880 of care.	All but \$0	Balance	\$0
Days 5881-5960 of care.	All but \$0	Balance	\$0
Days 5961-6040 of care.	All but \$0	Balance	\$0
Days 6041-6120 of care.	All but \$0	Balance	\$0
Days 6121-6200 of care.	All but \$0	Balance	\$0
Days 6201-6280 of care.	All but \$0	Balance	\$0
Days 6281-6360 of care.	All but \$0	Balance	\$0
Days 6361-6440 of care.	All but \$0	Balance	\$0
Days 6441-6520 of care.	All but \$0	Balance	\$0
Days 6521-6600 of care.	All but \$0	Balance	\$0
Days 6601-6680 of care.	All but \$0	Balance	\$0
Days 6681-6760 of care.	All but \$0	Balance	\$0
Days 6761-6840 of care.	All but \$0	Balance	\$0
Days 6841-6920 of care.	All but \$0	Balance	\$0
Days 6921-7000 of care.	All but \$0	Balance	\$0
Days 7001-7080 of care.	All but \$0	Balance	\$0
Days 7081-7160 of care.	All but \$0	Balance	\$0
Days 7161-7240 of care.	All but \$0	Balance	\$0
Days 7241-7320 of care.	All but \$0	Balance	\$0
Days 7321-7400 of care.	All but \$0	Balance	\$0
Days 7401-7480 of care.	All but \$0	Balance	\$0
Days 7481-7560 of care.	All but \$0	Balance	\$0
Days 7561-7640 of care.	All but \$0	Balance	\$0
Days 7641-7720 of care.	All but \$0	Balance	\$0
Days 7721-7800 of care.	All but \$0	Balance	\$0
Days 7801-7880 of care.	All but \$0	Balance	\$0
Days 7881-7960 of care.	All but \$0	Balance	\$0
Days 7961-8040 of care.	All but \$0	Balance	\$0
Days 8041-8120 of care.	All but \$0	Balance	\$0
Days 8121-8200 of care.	All but \$0	Balance	\$0
Days 8201-8280 of care.	All but \$0	Balance	\$0
Days 8281-8360 of care.	All but \$0	Balance	\$0
Days 8361-8440 of care.	All but \$0	Balance	\$0
Days 8441-8520 of care.	All but \$0	Balance	\$0
Days 8521-8600 of care.	All but \$0	Balance	\$0
Days 8601-8680 of care.	All but \$0	Balance	\$0
Days 8681-8760 of care.	All but \$0	Balance	\$0
Days 8761-8840 of care.	All but \$0	Balance	\$0
Days 8841-8920 of care.	All but \$0	Balance	\$0
Days 8921-9000 of care.	All but \$0	Balance	\$0
Days 9001-9080 of care.	All but \$0	Balance	\$0
Days 9081-9160 of care.	All but \$0	Balance	\$0
Days 9161-9240 of care.	All but \$0	Balance	\$0
Days 9241-9320 of care.	All but \$0	Balance	\$0
Days 9321-9400 of care.	All but \$0	Balance	\$0
Days 9401-9480 of care.	All but \$0	Balance	\$0
Days 9481-9560 of care.	All but \$0	Balance	\$0
Days 9561-9640 of care.	All but \$0	Balance	\$0
Days 9641-9720 of care.	All but \$0	Balance	\$0
Days 9721-9800 of care.	All but \$0	Balance	\$0
Days 9801-9880 of care.	All but \$0	Balance	\$0
Days 9881-9960 of care.	All but \$0	Balance	\$0
Days 9961-10040 of care.	All but \$0	Balance	\$0
Days 10041-10120 of care.	All but \$0	Balance	\$0
Days 10121-10200 of care.	All but \$0	Balance	\$0
Days 10201-10280 of care.	All but \$0	Balance	\$0
Days 10281-10360 of care.	All but \$0	Balance	\$0
Days 10361-10440 of care.	All but \$0	Balance	\$0
Days 10441-10520 of care.	All but \$0	Balance	\$0
Days 10521-10600 of care.	All but \$0	Balance	\$0
Days 10601-10680 of care.	All but \$0	Balance	\$0
Days 10681-10760 of care.	All but \$0	Balance	\$0
Days 10761-10840 of care.	All but \$0	Balance	\$0
Days 10841-10920 of care.	All but \$0	Balance	\$0
Days 10921-11000 of care.	All but \$0	Balance	\$0
Days 11001-11080 of care.	All but \$0	Balance	\$0
Days 11081-11160 of care.	All but \$0	Balance	\$0
Days 11161-11240 of care.	All but \$0	Balance	\$0
Days 11241-11320 of care.	All but \$0	Balance	\$0
Days 11321-11400 of care.	All but \$0	Balance	\$0
Days 11401-11480 of care.	All but \$0	Balance	\$0
Days 11481-11560 of care.	All but \$0	Balance	\$0
Days 11561-11640 of care.	All but \$0	Balance	\$0
Days 11641-11720 of care.	All but \$0	Balance	\$0
Days 11721-11800 of care.	All but \$0	Balance	\$0
Days 11801-11880 of care.	All but \$0	Balance	\$0
Days 11881-11960 of care.	All but \$0	Balance	\$0
Days 11961-12040 of care.	All but \$0	Balance	\$0
Days 12041-12120 of care.	All but \$0	Balance	\$0
Days 12121-12200 of care.	All but \$0	Balance	\$0
Days 12201-12280 of care.	All but \$0	Balance	\$0
Days 12281-12360 of care.	All but \$0	Balance	\$0
Days 12361-12440 of care.	All but \$0	Balance	\$0
Days 12441-12520 of care.	All but \$0	Balance	\$0
Days 12521-12600 of care.	All but \$0	Balance	\$0
Days 12601-12680 of care.	All but \$0	Balance	\$0
Days 12681-12760 of care.	All but \$0	Balance	\$0
Days 12761-12840 of care.	All but \$0	Balance	\$0
Days 12841-12920 of care.	All but \$0	Balance	\$0
Days 12921-13000 of care.	All but \$0	Balance	\$0
Days 13001-13080 of care.	All but \$0	Balance	\$0
Days 13081-13160 of care.	All but \$0	Balance	\$0
Days 13161-13240 of care.	All but \$0	Balance	\$0
Days 13241-13320 of care.	All but \$0	Balance	\$0
Days 13321-13400 of care.	All but \$0	Balance	\$0
Days 13401-13480 of care.	All but \$0	Balance	\$0
Days 13481-13560 of care.	All but \$0	Balance	\$0
Days 13561-13640 of care.	All but \$0	Balance	\$0
Days 13641-13720 of care.	All but \$0	Balance	\$0
Days 13721-13800 of care.	All but \$0	Balance	\$0
Days 13801-13880 of care.	All but \$0	Balance	\$0
Days 13881-13960 of care.	All but \$0	Balance	\$0
Days 13961-14040 of care.	All but \$0	Balance	\$0
Days 14041-14120 of care.	All but \$0	Balance	\$0
Days 14121-14200 of care.	All but \$0	Balance	\$0
Days 14201-14280 of care.	All but \$0	Balance	\$0
Days 14281-14360 of care.	All but \$0	Balance	\$0
Days 14361-14440 of care.	All but \$0	Balance	\$0
Days 14441-14520 of care.	All but \$0	Balance	\$0
Days 14521-14600 of care.	All but \$0	Balance	\$0
Days 14601-14680 of care.	All but \$0	Balance	\$0
Days 14681-14760 of care.	All but \$0	Balance	\$0
Days 14761-14840 of care.	All but \$0	Balance	\$0
Days 14841-14920 of care.	All but \$0	Balance	\$0
Days 14921-15000 of care.	All but \$0	Balance	\$0
Days 15001-15080 of care.	All but \$0	Balance	\$0
Days 15081-15160 of care.	All but \$0	Balance	\$0
Days 15161-15240 of care.	All but \$0	Balance	\$0
Days 15241-15320 of care.	All but \$0	Balance	\$0
Days 15321-15400 of care.	All but \$0	Balance	\$0
Days 15401-15480 of care.	All but \$0	Balance	\$0
Days 15481-15560 of care.	All but \$0	Balance	\$0
Days 15561-15640 of care.	All but \$0	Balance	\$0
Days 15641-15720 of care.	All but \$0	Balance	\$0
Days 15721-15800 of care.	All but \$0	Balance	\$0
Days 15801-15880 of care.	All but \$0	Balance	\$0
Days 15881-15960 of care.	All but \$0	Balance	\$0
Days 15961-16040 of care.	All but \$0	Balance	\$0
Days 16041-16120 of care.	All but \$0	Balance	\$0
Days 16121-16200 of care.	All but \$0	Balance	\$0
Days 16201-16280 of care.	All but \$0	Balance	\$0
Days 16281-16360 of care.	All but \$0	Balance	\$0
Days 16361-16440 of care.	All but \$0	Balance	\$0
Days 16441-16520 of care.	All but \$0	Balance	\$0
Days 16521-16600 of care.	All but \$0	Balance	\$0
Days 16601-16680 of care.	All but \$0	Balance	\$0
Days 16681-16760 of care.	All but \$0	Balance	\$0
Days 16761-16840 of care.	All but \$0	Balance	\$0
Days 16841-16920 of care.	All but \$0	Balance	\$0
Days 16921-17000 of care.	All but \$0	Balance	\$0
Days 17001-17080 of care.	All but \$0	Balance	\$0
Days 17081-17160 of care.	All but \$0	Balance	\$0
Days 17161-17240 of care.	All but \$0	Balance	\$0
Days 17241-17320 of care.	All but \$0	Balance	\$0
Days 17321-17400 of care.	All but \$0	Balance	\$0
Days 17401-17480 of care.	All but \$0	Balance	\$0
Days 17481-17560 of care.	All but \$0	Balance	\$0
Days 17561-17640 of care.	All but \$0	Balance	\$0
Days 17641-17720 of care.	All but \$0	Balance	\$0
Days 17721-17800 of care.	All but \$0	Balance	\$0
Days 17801-17880 of care.	All but \$0	Balance	\$0
Days 17881-17960 of care.	All but \$0	Balance	\$0
Days 17961-18040 of care.	All but \$0	Balance	\$0
Days 18041-18120 of care.	All but \$0	Balance	\$0
Days 18121-18200 of care.	All but \$0	Balance	\$0
Days 18201-18280 of care.	All but \$0	Balance	\$0
Days 18281-18360 of care.	All but \$0	Balance	\$0
Days 18361-18440 of care.	All but \$0	Balance	\$0
Days 18441-18520 of care.	All but \$0	Balance	\$0
Days 18521-18600 of care.	All but \$0	Balance	\$0
Days 18601-18680 of care.	All but \$0	Balance	\$0
Days 18681-18760 of care.	All but \$0	Balance	\$0
Days 18761-18840 of care.	All but \$0	Balance	\$0
Days 18841-18920 of care.	All but \$0	Balance	\$0
Days 18921-19000 of care.	All but \$0	Balance	\$0
Days 19001-19080 of care.	All but \$0	Balance	\$0
Days 19081-19160 of care.	All but \$0	Balance	\$0
Days 19161-19240 of care.	All but \$0	Balance	\$0
Days 19241-19320 of care.	All but \$0	Balance	\$0
Days 19321-19400 of care.	All but \$0	Balance	\$0
Days 19401-19480 of care.	All but \$0	Balance	\$0
Days 19481-19560 of care.	All but \$0	Balance	\$0
Days 19561-19640 of care.	All but \$0	Balance	\$0
Days 19641-19720 of care.	All but \$0	Balance	\$0
Days 19721-19800 of care.	All but \$0	Balance	\$0
Days 19801-19880 of care.	All but \$0	Balance	\$0
Days 19881-19960 of care.	All but \$0	Balance	\$0
Days 19961-20040 of care.	All but \$0	Balance	\$0
Days 20041-20120 of care.	All but \$0	Balance	\$0
Days 20121-20200 of care.	All but \$0	Balance	\$0
Days 20201-20280 of care.	All but \$0	Balance	\$0
Days 20281-20360 of care.	All but \$0	Balance	\$0
Days 20361-20440 of care.	All but \$0	Balance	\$0
Days 20441-20520 of care.	All but \$0	Balance	\$0
Days 20521-20600 of care.	All but \$0	Balance	\$0
Days 20601-20680 of care.	All but \$0	Balance	\$0
Days 20681-20760 of care.	All but \$0	Balance	\$0
Days 20761-20840 of care.	All but \$0	Balance	\$0
Days 20841-20920 of care.	All but \$0	Balance	\$0
Days 20921-21000 of care.	All but \$0	Balance	\$0
Days 21001-21080 of care.	All but \$0	Balance	\$0
Days 21081-21160 of care.	All but \$0	Balance	\$0
Days 21161-21240 of care.	All but \$0	Balance	\$0
Days 21241-21320 of care.	All but \$0	Balance	\$0
Days 21321-21400 of care.	All but \$0	Balance	\$0
Days 21401-21480 of care.	All but \$0	Balance	\$0
Days 21481-21560 of care.	All but \$0	Balance	\$0
Days 21561-21640 of care.	All but \$0	Balance	\$0
Days 21641-21720 of care.	All but \$0	Balance	\$0
Days 21721-21800 of care.	All but \$0	Balance	\$0
Days 21801-21880 of care.	All but \$0	Balance	\$0
Days 21881-21960 of care.	All but \$0	Balance	\$0
Days 21961-22040 of care.	All but \$0	Balance	\$0
Days 22041-22120 of care.	All but \$0	Balance	\$0
Days 22121-22200 of care.	All but \$0	Balance	\$0
Days 22201-22280 of care.	All but \$0	Balance	\$0
Days 22281-22360 of care.	All but \$0	Balance	\$0
Days 22361-22440 of care.	All but \$0	Balance	\$0
Days 22441-22520 of care.	All but \$0	Balance	\$0
Days 22521-22600 of care.	All but \$0	Balance	\$0
Days 22601-22680 of care.	All but \$0	Balance	\$0
Days 22681-22760 of care.	All but \$0	Balance	

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

PARTS A & B

HOME HEALTH CARE MEDICARE APPROVED SERVICES -Medically necessary services and services -Durable medical equipment	100%	\$0	\$0
First \$100 of Medicare Approved Amounts*	\$0	\$0	\$0 by Part B Deductible
Remainder of Medicare Approved Amounts	80%	20%	\$0

(continued)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Plan H Continued)

MEDICARE (PART B)-Medical Services-Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TIME-OUTPATIENT PHYSICIAN'S SERVICES, including but not limited to, medical and surgical services and x-ray films, physical and x-ray therapy, diagnostic tests, and the medical equipment.	\$0	\$0	See Part B Deductible
First \$100 of Medicare Approved Amounts*	generally 80%	generally 20%	\$0
Remainder of Medicare Approved Amounts	\$0	\$0	All costs
Part B Excess Charges Above Medicare Approved Amounts			
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare Approved Amounts*	\$0	\$0	\$100 Part B Deductible
Remainder of Medicare Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES- BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Plan H Continued)

OTHER BENEFITS-Not Covered By Medicare

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL-NOT COVERED BY MEDICARE The total maximum amount payable for medical expenses incurred while traveling outside the United States for medical purposes is \$100,000 per calendar year. Per \$_____, covered each calendar year.	\$0	\$0	\$0
Refundable medical expenses	\$0	\$0	\$0
BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE First (\$_____) each calendar year Next (\$_____) each calendar year Over (\$_____) each calendar year	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 All Costs

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 2008. APPENDIX K Plan I

MEDICARE (PART A)-Hospital Services-Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semi-private room and board 24-hour nursing and medical services Prescription drugs and supplies			
First 60 days	All but (\$_____)	(\$_____) Part A hospital care	\$0
61st thru 90th day	All but (\$_____)	(\$_____) Part A hospital care	\$0
91st day and after	All but (\$_____)	(\$_____) Part A hospital care	\$0
While using 60 lifetime reserve days			
After lifetime reserve days are used			
Additional charges for extra services			
Day after discharge or after transfer to a nursing home or other institution			
Day after discharge or after transfer to a nursing home or other institution			
Day after discharge or after transfer to a nursing home or other institution			
SKILLED NURSING FACILITY CARE You must first be in a hospital for at least 3 days before being admitted to a nursing home. Medicare will pay for up to 100 days of care in a nursing home if you are certified by a doctor as needing skilled nursing care. Medicare will not pay for custodial care or for care in a nursing home if you are not certified as needing skilled nursing care.			
First 20 days	All approved amounts	\$0	\$0
21st thru 100th day	All but (\$_____)	1 per \$_____	\$0
101st day and after	\$0	\$0	All costs
BLOOD First 3 pints	\$0	2 pints	\$0
Additional pints			
HOSPICE CARE Available as long as your doctor certifies that you are terminally ill and expect to live 6 months or less.	All but very limited out-of-pocket expenses for co-insurance, deductibles, and other charges.	\$0	Balance

(continued)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS
(Plan I Continued)

MEDICARE (PART B)-Medical Services-Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES-IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT such as Physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment	\$0	\$0	\$100 (Part B Deductible)
First \$100 of Medicare-Approved Amounts*	generally 80%	generally 20%	\$0
Remainder of Medicare-Approved Amounts*	\$0	100%	\$0
Part B Excess Charges Above Medicare-Approved Amounts*			
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare-Approved Amounts*	\$0	\$0	\$100 (Part B Deductible)
Remainder of Medicare-Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE-APPROVED SERVICES -Medically necessary skilled nursing services and medical supplies	\$0	\$0
-Durable medical equipment	\$0	\$100 (Part B Deductible)
First \$100 of Medicare-Approved Amounts*	80%	\$0
Remainder of Medicare-Approved Amounts		

continued

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS
(Plan I Continued)

MEDICARE (PARTS A & B)-(CONTINUED)

PARTS A & B (cont'd)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE (cont'd) AT-HOME NURSING SERVICES- NOT COVERED BY MEDICARE Home care services provided by your doctor for persons who are homebound and require help in such areas as: -Personal care -Medication management -Transportation -Referral to a health care provider	\$0	Actual charges to \$1000 per year	Balance
-Number of visits or services per week or per month -Number of visits or services per week or per month -Approved visit	\$0	Up to the number of Medicare-Approved visits, not to exceed \$1000 per year	
-Calendar year maximum	\$0	\$1000	

OTHER BENEFITS

FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medically necessary medical services and supplies beginning within the first 60 days of a trip outside the U.S.A.			
First \$1000 of calendar year	\$0	\$0	\$1000
Remainder of calendar year	\$0	\$0	\$0 (not more than the maximum)
BASIC OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE			
First \$1000 of calendar year	\$0	\$0	\$1000
Next \$1000 of calendar year	\$0	\$0	\$0 (not more than the maximum)
Over \$1000 of calendar year	\$0	\$0	All costs

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 25 _____) _____, effective _____.

ILLINOIS REGISTER 1950 01

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

Section 2008, APPENDIX L Plan J or High Deductible Plan J

MEDICARE (PART A)-Hospital Services-Per Benefit Period

Companies must add the current fixed dollar amount authorized by Medicare where the brackets appear below. The dollar amount is updated periodically by Medicare and companies must reflect these changes to their outlines of coverage in a timely manner.

*A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

***This high deductible plan pays the same or offers the same benefits as Plan J after one has paid a calendar year (\$1,500); \$1,500 deductible. Benefits from high deductible plan J will not begin until out-of-pocket expenses are \$1,500; \$1,500. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1500 \$1530 DEDUCTIBLE** PLAN PAYS	IN ADDITION TO \$1500 \$1530 DEDUCT- IBLE** YOU PAY
HOSPITALIZATION* Some private nursing homes generally are not covered by Medicare and you pay for these days	All but \$_____	\$_____ a day for the first 90 days (\$_____ a day for the 91st thru 150th day)	\$_____
61st thru 90th day	All but (\$_____)		\$0
91st day and after, When using the lifetime reserve days	All but \$_____		\$0
After the 150th day and after, When using the lifetime reserve days	All but \$_____		\$0
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements and you must be in a Medicare-approved facility. Medicare will pay for the first 100 days of your stay. Medicare will pay for the first 60 days of your stay. Medicare will pay for the first 30 days of your stay.	All approved amounts All but (\$_____)	\$0 Up to \$_____ a day	\$0 \$0
1st thru 21st day	\$0	\$0	All costs
21st thru 100th day	\$0	3 points \$0	\$0 \$0
101st day and after	100%		\$0
BLOOD First 3 pints	\$0		\$0
Additional amounts	100%		\$0
HOSPICE CARE As long as you are in a Medicare-approved facility, Medicare will pay for the first 90 days of your stay. Medicare will pay for the first 90 days of your stay. Medicare will pay for the first 90 days of your stay.	All approved amounts All but \$_____	\$0 Up to \$_____ a day	\$0 \$0

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

(Plan J or High Deductible Plan J Continued)

MEDICARE (PART B)-Medical Services-Per Calendar Year

*Once you have been billed \$100 of Medicare-Approved amounts for covered services (which are noted with an asterisk), your Part B Deductible will have been met for the calendar year.

**This high deductible plan pays the same or offers the same benefits as Plan J after one has paid a calendar year \$14,400 \$1530 deductible. Benefits from the high deductible plan J will not begin until out-of-pocket expenses are \$14,400 \$1530. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate prescription drug deductible or the plan's separate foreign travel emergency deductible.

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1530 \$1530 DEDUCTIBLE PLAN PAYS	IN ADDITION TO \$1530 DEDUCTIBLE YOU PAY
MEDICAL EXPENSES-INCURRED AT THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT such as Physician's services, hospital and outpatient medical and surgical services, and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First \$100 of Medicare-Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts*	generally 20%	generally 20%	\$0
Part B Excess Charges Above Medicare-Approved Amounts	\$0	100%	\$0
BLOOD			
First 3 pints	\$0	All costs	\$0
Next \$100 of Medicare-Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES-BLOOD TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PARTS A & B

HOME HEALTH CARE MEDICARE-APPROVED SERVICES -Medically necessary skilled care services and medical supplies	100%	\$0	\$0
-Durable medical equipment			
First \$100 of Medicare-Approved Amounts*	\$0	\$100 (Part B Deductible)	\$0
Remainder of Medicare-Approved Amounts	80%	20%	\$0

(continued)

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

(Plan J Continued)

MEDICARE (PARTS A & B)-(CONTINUED)

PARTS A & B (cont'd)

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1530 DEDUCTIBLE PLAN PAYS	IN ADDITION TO \$1530 DEDUCTIBLE YOU PAY
HOME HEALTH CARE (cont'd) At-home care services provided by a Medicare-approved home health agency for a Medicare-approved patient who is homebound and needs skilled nursing care, physical therapy, speech therapy, or other services. -Benefit for a calendar year	\$0	Actual Charges to Medicare Up to the number of visits approved 7,000 visits per calendar year	Balance
-Number of visits covered must be received within 8 weeks of last Medicare Approval visit	\$0		
-Calendar year maximum	\$0		

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

OTHER BENEFITS-Not Covered By Medicare

(Source: Amended at 25 Ill. Reg. _____, effective _____)

<p>FOREIGN TRAVEL-NOT COVERED BY MEDICARE Medicare does not cover care received outside the United States.</p> <p>For \$_____ each calendar year</p> <p>For \$_____ each calendar year</p>			
<p>BASIC-OUTPATIENT PRESCRIPTION DRUGS-NOT COVERED BY MEDICARE</p> <p>First \$_____ each calendar year</p> <p>Next \$_____ each calendar year</p> <p>Over \$_____ each calendar year</p>			

(continued)

(Plan J or High Deductible Plan J Continued)
OTHER BENEFITS-Not Covered By Medicare (cont'd)

*Medicare benefits are subject to change. Please consult the latest Guide to Health Insurance for People with Medicare

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$1,500 DEDUCTIBLE** PLAN PAYS	IN ADDITION TO \$1,500 DEDUCTIBLE** YOU PAY
<p>*PREVENTIVE MEDICAL CARE BENEFIT-NOT COVERED BY MEDICARE</p> <p>Some services are covered by Medicare, such as preventive care, but not all. Medicare does not cover the cost of a physical exam, blood pressure check, cholesterol check, or other tests that are part of a routine physical exam. Medicare also does not cover the cost of a flu shot or other preventive services.</p>			
<p>For \$_____ each calendar year</p> <p>Additional charges</p>			

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

1) Heading of the Part: Personal Information Privacy Protection2) Code Citation: 50 Ill. Adm. Code 40023) Section Numbers: Proposed Action:

4002.10	New Section
4002.20	New Section
4002.30	New Section
4002.35	New Section
4002.40	New Section
4002.50	New Section
4002.60	New Section
4002.70	New Section
4002.80	New Section
4002.90	New Section
4002.100	New Section
4002.110	New Section
4002.120	New Section
4002.130	New Section
4002.140	New Section
4002.150	New Section
4002.200	New Section
4002.210	New Section
4002.220	New Section
4002.230	New Section
4002.235	New Section
4002.240	New Section
ILLUSTRATION A	New Section

4) Statutory Authority: Implementing Article XXVI and Article XL of the Illinois Insurance Code [215 ILCS 5/Arts. XXVI and XL], and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) and authorized by Section 401 and Article XL of the Illinois Insurance Code [215 ILCS 5/401 and Art. XL].

5) A. Complete Description of the Subjects and Issues Involved: This proposed rule creates a regulatory framework by which the regulated community should be in compliance with the provisions of the Gramm-Leach-Bliley Act as well as other states' laws concerning privacy of financial information that have adopted the National Association of Insurance Commissioners (NAIC) Model Act concerning privacy. Specifically, the proposed rule sets forth the prohibitions of sharing non-public financial information with a non-affiliated third party and provides notice requirements to the consumer of the regulated entity's privacy policies and practices concerning such information.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen	or	Denise Hamilton
Staff Attorney		Rules Unit Supervisor
Department of Insurance		Department of Insurance
320 West Washington		320 West Washington
Springfield, Illinois 62767-0001		Springfield, Illinois 62767-0001
(217)557-1396		(217)785-8560

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit Corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department had not determined whether it would be necessary to adopt specific regulations to carry out the privacy provisions mandated under the Gramm-Leach-Bliley Act and when coordination with the other states concerning this issue would be possible.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER tt: INSURANCE INFORMATION AND PRIVACY PROTECTION

PART 4002
PERSONAL INFORMATION PRIVACY PROTECTION

Section	Purpose
4002.10	Applicability
4002.20	Definitions
4002.30	Treatment of Individual's Information Under Group Policies
4002.35	Initial Privacy Notice to Consumers
4002.40	Annual Privacy Notice to Customers
4002.50	Information to be Included in Privacy Notices
4002.60	Form of Opt Out Notice to Consumers and Opt Out Methods
4002.70	Revised Privacy Notices
4002.80	Delivery of Notices
4002.90	Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties
4002.100	Limits on Redisclosure and Reuse of Nonpublic Personal Financial Information
4002.110	Limits on Sharing Account Number Information for Marketing Purposes
4002.120	Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing
4002.130	Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions
4002.140	Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information
4002.150	Nondiscrimination
4002.200	Enforcement
4002.210	Penalty
4002.220	Severability
4002.230	Protection of Fair Credit Reporting Act
4002.235	Effective Date
4002.240	

ILLUSTRATION A Sample Clauses

AUTHORITY: Implementing Article XXVI and Article XL of the Illinois Insurance Code [215 ILCS 5/Arts. XXVI and XL], and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) and authorized by Section 401 and Article XL of the Illinois Insurance Code [215 ILCS 5/401 and Art. XL].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

Section 4002.10 Purpose

This Part will implement Article XL and Article XXVI of the Illinois Insurance Code [215 ILCS 5/Arts. XL and XXVI] and provides guidance for compliance with Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) which govern the treatment of personal information by all licensees of the Illinois Department of Insurance.

Section 4002.20 Applicability

- a) This Part applies to all licensees, companies, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered, or domiciled pursuant to the Illinois Insurance Code or any other Act of Chapter 215 of the Illinois Compiled Statutes. This Part also applies to unauthorized insurers or companies who accept business placed through a licensed surplus line producer in this State, but only in regard to the surplus line transactions placed pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445].
- b) A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in Section 4002.100(a)(3) of this Part if the licensee is an employee, agent or other representative of another licensee ("the principal") and:
- 1) The principal otherwise complies with, and provides the notices required by, the provisions of this Part; and
 - 2) The licensee does not disclose any nonpublic personal financial information to any person other than the principal or its affiliates in a manner permitted by this Part.
- c) Any person or company conducting transactions pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445] shall be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in this Part provided:
- 1) The person or company conducting transactions pursuant to Section 445 of the Illinois Insurance Code does not disclose nonpublic personal information of a consumer or a customer to nonaffiliated third parties for any purpose, including joint servicing or marketing under Section 4002.130 of this Part, except as permitted by Section 4002.140 or 4002.150 of this Part; and
 - 2) The person or company conducting transactions pursuant to Section 445 of the Illinois Insurance Code delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16-point type and is clear and conspicuous:

PRIVACY NOTICE

NEITHER THE U.S. BROKERS THAT HANDLED THIS INSURANCE NOR THE INSURERS THAT HAVE UNDERWRITTEN THIS INSURANCE WILL DISCLOSE

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULE

NONPUBLIC PERSONAL INFORMATION CONCERNING THE BUYER TO
NONAFFILIATES OF THE BROKERS OR INSURERS EXCEPT AS PERMITTED BY
LAW.

Section 4002.30 Definitions

Unless otherwise defined by this Part the terms used in this Part shall have the same meaning as given by the Illinois Insurance Code [215 ILCS 5].

Affiliate means any company that controls, is controlled by, or is under common control with another company.

Clear and Conspicuous means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

A licensee makes its notice reasonably understandable if it:

- Presents the information in a written notice in clear, concise sentences, paragraphs, and sections;

- Uses short explanatory sentences or bullet lists whenever possible;

- Uses definite, concrete, everyday words and active voice whenever possible;

- Avoids multiple negatives;

- Avoids legal and highly technical business terminology whenever possible; and

- Avoids explanations that are imprecise and readily subject to different interpretations.

A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

- Uses a plain-language heading to call attention to the notice; uses a typeface and type size that are easy to read;

- Provides wide margins and ample line spacing; uses boldface or italics for key words; and

- In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULE

If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

- Uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice;

- Ensures that other elements on the web site (such as text, graphics, hyperlinks or sound) do not distract attention from the notice; and

Either:

- Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

- Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature and relevance of the notice.

Code means the Illinois Insurance Code [215 ILCS 5].

Collect means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

Company means a person, corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

Consumer means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, and about whom the licensee has nonpublic personal information, or that individual's legal representative. An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee or solely because he or she has designated the licensee as trustee for a trust. Consumer includes, but is not limited to, the following, if the licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under Sections 4002.130, 4002.140 and 4002.150 of this Part:

- An individual who provides nonpublic personal information to a

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULE

Customer means a consumer who has a customer relationship with a licensee.

Customer Relationship means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes, which includes, but is not limited to, the following:

The consumer is a current policyholder of an insurance product issued by or through the licensee; or

The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

A consumer does not have a continuing relationship with a licensee if:

The consumer applies for insurance but does not purchase the insurance;

The licensee sells the consumer airline travel insurance in an isolated transaction;

The individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee and is not a current policyholder;

The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option and is not a current policyholder;

The customer's policy is lapsed, expired, or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than annual privacy notices, material required by law or regulation, communication at the direction of a state or federal authority, or promotional materials;

The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULE

licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship;

An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer;

An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution;

An individual who is a beneficiary of a life insurance policy underwritten by the licensee is a consumer;

An individual who is an insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee is a consumer; and

An individual who is a mortgagor of a mortgage covered under a mortgage insurance policy is a consumer.

Consumer Reporting Agency means the same as in Section 603(f) of the federal Fair Credit Reporting Act (15 USC 1681a(f)).

Control means:

Ownership, control or power to vote 25% or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company;

Control by contract or agreement of any person that is designated as an attorney-in-fact for a Lloyd's plan insurer as set forth in Article V of the Code [215 ILCS 5/Art. V] or for a reciprocal or interinsurance exchange as set forth in Article V 1/2 [215 ILCS 5/Art. V 1/2]; or

The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the Director determines.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULE

For the purposes of this Part, the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

Director means the Director of the Illinois Department of Insurance.

Financial Institution means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 USC 1843(k)), but does not include:

Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 USC 1);

The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 USC 2001); or

Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as the institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

Financial Product or Service means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 USC 1843(k)), which includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

Insurance Product or Service means any product or service that is offered by a licensee pursuant to the insurance laws of this State, including a licensee's evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for a insurance product or service.

Licensee means all insurers, insurance producers, and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered, or domiciled

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pursuant to the Illinois Insurance Code or any other Act of Chapter 215 of the Illinois Compiled Statutes. Licensee shall also include unauthorized insurers who accept business placed through a licensed surplus line producer in this State, but only in regard to the surplus line placements placed pursuant to Section 445 of the Illinois Insurance Code [215 ILCS 5/445].

Nonaffiliated Third Party means any company or person, except a licensee's affiliate or a person employed jointly by a licensee and any company that is not the licensee's affiliate (but nonaffiliated third party includes the other company that jointly employs the person), which includes, but is not limited to, any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in Section 4(k)(4)(H) or insurance company investment activities of the type described in Section 4(k)(4)(I) of the federal Bank Holding Company Act (12 USC 1843(k)(4)(H) and (I)).

Nonpublic Personal Financial Information means personally identifiable financial information and any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available; but does not include: health information; publicly available information, except as any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available; or any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available. Any list of individuals' names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution is not nonpublic personal financial information.

Opt Out means a direction by the consumer that the licensee not disclose nonpublic personal financial information about that consumer to a nonaffiliated third party, other than as permitted by Sections 4002.130, 4002.140 and 4002.150 of this Part.

Person means any natural person, corporation, association, partnership or other legal entity.

Personally Identifiable Financial Information means, including but not limited to: any information that a consumer provides to a licensee to

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obtain an insurance product or service from the licensee; account balance information and payment history; that an individual is or has been one of the licensee's customers or has obtained an insurance product or service from the licensee; any information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee's consumer; any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan; any information the licensee collects through an Internet cookie (an information-collecting device from a web server); information from a consumer report; information about a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer; or information the licensee otherwise obtains about a consumer in connection with providing an insurance product or service to that consumer, except health information; names and addresses of customers of an entity that is not a financial institution; and information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

Publicly Available Information means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

Federal, state or local government records, including information in government real estate records and security interest filings;

Widely distributed media, including information from a telephone book, a television or radio program, a newspaper or a web site that is available to the general public on an unrestricted basis.

A web site is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public; or

Disclosures to the general public that are required to be made by federal, state or local law.

Reasonable Basis means that a licensee believes that information is lawfully made available to the general public and that the licensee has taken steps to determine:

That the information is of the type that is available to the general public, such as a telephone number found in a telephone book or if the consumer states that the number is listed, or is the type of information that is included on a public record; and

Whether an individual can direct that the information not be made

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available to the general public and, if so, that the licensee's consumer has not done so.

Section 4002.35 Treatment of Individual's Information Under Group Policies

a) Provided that the licensee provides the initial, annual and revised notices under Sections 4002.40, 4002.50 and 4002.80 of this Part to the plan sponsor, group or blanket insurance policyholder or group annuity contract holder and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under Sections 4002.130, 4002.140 and 4002.150 of this Part, an individual is not the consumer of the licensee solely because he or she is:

- 1) A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary; or
 - 2) Covered under a group or blanket insurance policy or group annuity contract issued by the licensee.
- b) The individuals described in subsection (a) of this Section are consumers of a licensee if the licensee does not meet all the conditions of subsection (a) of this Section.
- c) In no event shall the individuals, solely by virtue of the status described in subsection (a) of this Section, be deemed to be customers for purposes of this Part.

Section 4002.40 Initial Privacy Notice to Consumers

a) Initial notice requirement. A licensee shall provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to:

- 1) Customer. An individual who becomes the licensee's customer, not later than when the licensee establishes a customer relationship, except as provided in subsection (e) of this Section; and
- 2) Consumer. A consumer, before the licensee discloses any nonpublic personal financial information about the consumer to any nonaffiliated third party, if the licensee makes a disclosure other than as authorized by Sections 4002.140 and 4002.150 of this Part.

b) When initial notice to a consumer is not required. A licensee is not required to provide an initial notice to a consumer under subsection (a)(2) of this Section if:

- 1) The licensee does not disclose any nonpublic personal financial information about the consumer to any nonaffiliated third party, other than as authorized by Sections 4002.140 and 4002.150 of this Part, and the licensee does not have a customer relationship with the consumer as set forth in subsection (c) of this Section; or

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2) A notice has been provided by an affiliated licensee, as long as the notice clearly identifies all licensees to whom the notice applies and is accurate with respect to the licensee and the other institutions.

c) A licensee establishes a customer relationship at the time the licensee and the consumer enter into a continuing relationship, such as when the consumer:

1) Becomes a policyholder of a licensee that is an insurer when the insurer delivers an insurance policy or contract to the consumer, is covered under Health Maintenance Organization or broker, or in the case of a licensee that is an insurance producer, obtains insurance through that licensee; or

2) Agrees to obtain financial, economic or investment advisory services relating to insurance products or services for a fee from the licensee.

d) Existing customers. When an existing customer obtains a new insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, the licensee satisfies the initial notice requirements of subsection (a) of this Section as follows:

1) The licensee may provide a revised policy notice, under Section 4002.80 of this Part, that covers the customer's new insurance product or service; or

2) If the initial, revised or annual notice that the licensee most recently provided to that customer was accurate with respect to the new insurance product or service, the licensee does not need to provide a new privacy notice under subsection (a) of this Section.

e) Exceptions to allow subsequent delivery of notice.

A licensee may provide the initial notice required by subsection (a)(1) of this Section within a reasonable time after the licensee establishes a customer relationship if:

1) Establishing the customer relationship is not at the customer's election (i.e., if a licensee acquires or is assigned a customer's policy from another financial institution or residual market mechanism and the customer does not have a choice about the licensee's acquisition or assignment);

2) Providing notice not later than when the licensee establishes a customer relationship would substantially delay the customer's transaction and the customer agrees to receive the notice at a later time;

3) Substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would substantially delay the customer's transaction when the licensee and the individual agree over the telephone to enter into a customer relationship involving prompt delivery of the insurance product or service; or

4) No substantial delay of customer's transaction. Providing notice

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not later than when a licensee establishes a customer relationship would not substantially delay the customer's transaction when the relationship is initiated in person at the licensee's office or through other means by which the customer may view the notice, such as on a web site.

f) Delivery. When a licensee is required to deliver an initial privacy notice by this Section, the licensee shall deliver it according to Section 4002.90 of this Part. If the licensee uses a short-form initial notice for non-customers according to Section 4002.60(h) of this Part, the licensee may deliver its privacy notice according to Section 4002.60(h)(3) of this Part.

Section 4002.50 Annual Privacy Notice to Customers

a) A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of 12 consecutive months during which that relationship exists. A licensee may define the 12-consecutive-month period, but the licensee shall apply it to the customer on a consistent basis. If a licensee defines the 12-consecutive-month period as a calendar year and a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.

b) Termination of customer relationship. A licensee is not required to provide an annual notice to a former customer. For the purposes of this Part a former customer is an individual with whom a licensee no longer has a continuing relationship, which includes, but is not limited to, when:

1) The individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

2) The individual's policy is lapsed, expired or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of 12 consecutive months, other than to provide annual privacy notices, material required by law or regulation, or promotional materials;

3) The individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful; or

4) In the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its

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responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

- c) Delivery. When a licensee is required by this Section to deliver an annual privacy notice, the licensee shall deliver it according to Section 4002.90 of this Part.
- d) Affiliated licensee. Such annual notice may be provided by an affiliated licensee, as long as the notice clearly identifies all licensees to which the notice applies or states that it applies to all affiliates of the named licensee, and is accurate with respect to the licensee and other institutions and would otherwise meet the requirements of this Part.

Section 4002.60 Information to be Included in Privacy Notices

- a) The initial, annual and revised privacy notices that a licensee provides under Sections 4002.40, 4002.50 and 4002.80 of this Part shall include each of the following items of information, in addition to any other information the licensee wishes to provide, that applies to the licensee and to the consumers to whom the licensee sends its privacy notice:

- 1) The categories of nonpublic personal financial information that the licensee collects, which may include, but are not limited to, the following:

- A) Information from the consumer;
- B) Information about the consumer's transactions with the licensee or its affiliates;
- C) Information about the consumer's transactions from nonaffiliated third parties; and

- D) Information from a consumer reporting agency.

- 2) The categories of nonpublic personal financial information that the licensee discloses, which may include, but are not limited to, the following:

- A) Information from the consumer, including application information, such as assets and income and identifying information, name, address and social security number;
- B) Transaction information, such as information about balances, payment history and parties to the transaction; and
- C) Information from consumer reports, such as a consumer's creditworthiness and credit history.

- 3) The categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information, other than those parties to whom the licensee discloses information under Sections 4002.140 and 4002.150 of this Part. A licensee may satisfy this subsection (a)(3) by categorizing by the types of businesses in which they engage, if the licensee uses a few illustrative examples of significant lines of business such as the term financial products or services and if it includes appropriate examples of significant lines of

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businesses, such as life insurer, automobile insurer, consumer banking or securities brokerage.

- 4) The categories of nonpublic personal financial information about the licensee's former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information about the licensee's former customers, other than those parties to whom the licensee discloses information under Sections 4002.140 and 4002.150 of this Part;
 - 5) If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under Section 4002.130 of this Part (and no other exception in Sections 4002.140 and 4002.150 of this Part applies to that disclosure), a separate description of the categories of information the licensee discloses and the categories of third parties with whom the licensee has contracted;
 - 6) An explanation of the consumer's right under Section 4002.100(a) of this Part to opt out of the disclosure of nonpublic personal financial information to nonaffiliated third parties, including the methods by which the consumer may exercise that right at that time;
 - 7) Any disclosures that the licensee makes under Section 603(d)(2)(A)(iii) of the federal Fair Credit Reporting Act (15 USC 1681a(d)(2)(A)(iii)) (that is, notices regarding the ability to opt out of disclosures of information among affiliates);
 - 8) The licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information; and
 - 9) Any disclosure that the licensee makes under subsection (b) of this Section.
- b) Description of parties subject to exceptions. If a licensee discloses nonpublic personal financial information as authorized under Sections 4002.140 and 4002.150 of this Part, the licensee is not required to list those exceptions in the initial or annual privacy notices required by Sections 4002.40 and 4002.50 of this Part. When describing the categories of parties to whom disclosure is made, the licensee is required to state only that it makes disclosures to other affiliated or nonaffiliated third parties, as applicable, as permitted by law.
 - c) A licensee does not adequately categorize the information that it discloses pursuant to subsection (a)(2) of this Section if the licensee uses only general terms, such as transaction information about the consumer.
 - d) If a licensee reserves the right to disclose all of the nonpublic personal financial information about consumers that it collects, the licensee may simply state that fact without describing the categories or examples of nonpublic personal information that the licensee discloses.

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e) Disclosures under exception for service providers and joint marketers. If a licensee discloses nonpublic personal financial information under the exception in Section 4002.130 of this Part to a nonaffiliated third party to market products or services that it offers alone or jointly with another financial institution, the licensee satisfies the disclosure requirement of subsection (a)(5) of this Section if it:

- 1) Lists the categories of nonpublic personal financial information it discloses, using the same categories and examples the licensee used to meet the requirements of subsection (a)(2) of this Section, as applicable; and
- 2) States whether the third party is:
 - A) A service provider that performs marketing services on the licensee's behalf or on behalf of the licensee and another financial institution; or
 - B) A financial institution with whom the licensee has a joint marketing agreement.

f) Simplified notices. If a licensee does not disclose, and does not wish to reserve the right to disclose, nonpublic personal financial information about customers or former customers to affiliates or nonaffiliated third parties except as authorized under Sections 4002.140 and 4002.150 of this Part, the licensee may simply state that fact, in addition to the information it shall provide under subsections (a)(1), (a)(8), (a)(9), and (b) of this Section.

g) Confidentiality and security. A licensee describes its policies and practices with respect to protecting the confidentiality and security of nonpublic personal financial information if it does both of the following:

- 1) Describes in general terms who is authorized to have access to the information; and
- 2) States whether the licensee has security practices and procedures in place to ensure the confidentiality of the information in accordance with the licensee's policy. The licensee is not required to describe technical information about the safeguards it uses.

h) Short-form initial notice with opt out notice for non-customers.

- 1) A licensee may satisfy the initial notice requirements in Sections 4002.50(a) and 4002.70(e) of this Part for a consumer who is not a customer by providing a short-form initial notice at the same time as the licensee delivers an opt out notice as required in Section 4002.70 of this Part.

2) A short-form initial notice shall:

- A) Be clear and conspicuous;
- B) State that the licensee's privacy notice is available upon request; and
- C) Explain a reasonable means by which the consumer may obtain that notice.

3) The licensee shall deliver its short-form initial notice according to Section 4002.90 of this Part. The licensee is not

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required to deliver its privacy notice with its short-form initial notice. The licensee instead may simply provide the consumer a reasonable means to obtain its privacy notice, which may include, but is not limited to, a toll-free telephone number that the consumer may call to request the notice or for a consumer who conducts business in person at the licensee's office, maintain copies of the notice on hand that the licensee provides to the consumer immediately upon request. If a consumer who receives the licensee's short-form notice requests the licensee's privacy notice, the licensee shall deliver its privacy notice according to Section 4002.90 of this Part.

i) Future disclosures. The licensee's notice may include:

- 1) Categories of nonpublic personal financial information that the licensee reserves the right to disclose in the future, but does not currently disclose; and
- 2) Categories of affiliates or nonaffiliated third parties to whom the licensee reserves the right in the future to disclose, but to whom the licensee does not currently disclose, nonpublic personal financial information.

j) Sample clauses. Sample clauses illustrating some of the notice content required by this Section are included in Illustration A of this Part.

k) Affiliated licensee. Such annual notice may be provided by an affiliated licensee, as long as the notice clearly identifies all licensees to which the notice applies or states that it applies to all affiliates of the named licensee, and is accurate with respect to the licensee and other institutions and would otherwise meet the requirements of this Part.

Section 4002.70 Form of Opt Out Notice to Consumers and Opt Out Methods

a) Form of opt out notice. If a licensee is required to provide an opt out notice under Section 4002.100(a)(3) of this Part, it shall provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out under Section 4002.100 of this Part. The notice shall state:

- 1) That the licensee discloses or reserves the right to disclose nonpublic personal financial information about its consumer to a nonaffiliated third party;
- 2) That the consumer has the right to opt out of that disclosure and identifies:
 - A) All of the categories of nonpublic personal financial information that it discloses or reserves the right to disclose, and all of the categories of nonaffiliated third parties to which the licensee discloses the information, as described in Section 4002.60(a)(2) and (3) of this Part, and states that the consumer can opt out of the disclosure of that information; and

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B) The insurance products or services that the consumer obtains from the licensee, either singly or jointly, to which the opt out direction would apply; and

3) A reasonable means by which the consumer may exercise the opt out right by providing one of the following:

- A) Designates check-off boxes in a prominent position on the relevant forms with the opt out notice;
- B) Includes a reply form together with the opt out notice;
- C) Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the licensee's web site, if the consumer agrees to the electronic delivery of information; or
- D) Provides a toll-free telephone number that consumers may call to opt out.

b) A licensee does not provide a reasonable means of opting out pursuant to subsection (a) of this Section if:

- 1) The only means of opting out is for the consumer to write his or her own letter to exercise that opt out right; or
- 2) The only means of opting out as described in any notice subsequent to the initial notice is to use a check-off box that the licensee provided with the initial notice but did not include with the subsequent notice.

c) A licensee may require each consumer to opt out through a specific means, as long as that means is reasonable for the consumer.

d) Same form as initial notice permitted. A licensee may provide the opt out notice together with or on the same written or electronic form as the initial notice the licensee provides in accordance with Section 4002.40 of this Part.

e) Initial notice required when opt out notice delivered subsequent to initial notice. If a licensee provides the opt out notice later than required for the initial notice in accordance with Section 4002.40 of this Part, the licensee shall also include a copy of the initial notice with the opt out notice in writing or, if the consumer agrees, electronically.

f) Joint relationships.

- 1) If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may provide a single opt out notice. The licensee's opt out notice shall explain how the licensee will treat an opt out direction by a joint consumer as explained in subsection (f)(5) of this Section.

2) Any of the joint consumers may exercise the right to opt out. The licensee may either:

- A) Treat an opt out direction by a joint consumer as applying to all of the associated joint consumers; or
 - B) Permit each joint consumer to opt out separately.
- 3) If a licensee permits each joint consumer to opt out separately, the licensee shall permit one of the joint consumers to opt out on behalf of all of the joint consumers.

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4) A licensee may not require all joint consumers to opt out before it implements any opt out direction.

5) Example. If John and Mary are both named policyholders on a homeowner's insurance policy issued by a licensee and the licensee sends policy statements to John's address, the licensee may do any of the following, but it shall explain in its opt out notice which opt out policy the licensee will follow:

- A) Send a single opt out notice to John's address, but the licensee shall accept an opt out direction from either John or Mary.
- B) Treat an opt out direction by either John or Mary as applying to the entire policy. If the licensee does so and John opts out, the licensee may not require Mary to opt out as well before implementing John's opt out direction.
- C) Permit John and Mary to make different opt out directions. If the licensee does so:
 - i) It shall permit John and Mary to opt out for each other;
 - ii) If both opt out, the licensee shall permit both of them to notify it in a single response (such as on a form or through a telephone call); and
 - iii) If John opts out and Mary does not, the licensee may only disclose nonpublic personal financial information about Mary, but not about John and not about John and Mary jointly.

g) Time to comply with opt out. A licensee shall comply with a consumer's opt out direction as soon as reasonably practicable after the licensee receives it.

h) Continuing right to opt out. A consumer may exercise the right to opt out at any time.

i) Duration of consumer's opt out direction.

1) A consumer's direction to opt out under this Section is effective until the consumer revokes it in writing or, if the consumer agrees, electronically.

2) When a customer relationship terminates, the customer's opt out direction continues to apply to the nonpublic personal financial information that the licensee collected during or related to that relationship. If the individual subsequently establishes a new customer relationship with the licensee, the opt out direction that applied to the former relationship does not apply to the new relationship.

j) Delivery. When a licensee is required to deliver an opt out notice by this Section, the licensee shall deliver it according to Section 4002.90 of this Part.

Section 4002.80 Revised Privacy Notices

- a) General rule. Except as otherwise authorized in this Part, a licensee

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shall not, directly or through an affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party other than as described in the initial notice that the licensee provided to that consumer under Section 4002.40 of this Part, unless:

- 1) The licensee has provided to the consumer a clear and conspicuous revised notice that accurately describes its policies and practices;
 - 2) The licensee has provided to the consumer a new opt out notice;
 - 3) The licensee has given the consumer a reasonable opportunity, before the licensee discloses the information to the nonaffiliated third party, to opt out of the disclosure; and
 - 4) The consumer does not opt out.
- b) Pursuant to subsection (a) of this Section, except as otherwise permitted by Sections 4002.130, 4002.140 and 4002.150 of this Part, a licensee is required to provide a revised notice before it takes one of, but not limited to, the following actions:
- 1) Discloses a new category of nonpublic personal financial information to any nonaffiliated third party;
 - 2) Discloses nonpublic personal financial information to a new category of nonaffiliated third party; or
 - 3) Discloses nonpublic personal financial information about a former customer to a nonaffiliated third party, if that former customer has not had the opportunity to exercise an opt out right regarding that disclosure.
- c) A revised notice is not required if the licensee discloses nonpublic personal financial information to a new nonaffiliated third party that the licensee adequately described in its prior notice.
- d) Delivery. When a licensee is required to deliver a revised privacy notice by this Section, the licensee shall deliver it according to Section 4002.90 of this Part.

Section 4002.90 Delivery of Notices

- a) How to provide notices. A licensee shall provide any notices that this Part requires so that each consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically.

1) A licensee may reasonably expect that a consumer will receive actual notice if the licensee provides notice by one of, but not limited to, the following methods:

- A) Hand-delivers a printed copy of the notice to the consumer;
- B) Mails a printed copy of the notice to the last known address of the consumer separately, or in a policy, billing or other written communication;
- C) For a consumer who conducts transactions electronically, posts the notice on the electronic site and requires the consumer to acknowledge receipt of the notice as a necessary

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step to obtaining a particular insurance product or service; or

- D) For an isolated transaction with a consumer, such as the licensee providing an insurance quote or selling the consumer travel insurance, posts the notice and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining the particular insurance product or service.

2) A licensee may not, however, reasonably expect that a consumer will receive actual notice of its privacy policies and practices if it, among other methods, provides notice by:

- A) Only posting a sign in its office or generally publishes advertisements of its privacy policies and practices; or
 - B) Sending the notice via electronic mail to a consumer who does not obtain an insurance product or service from the licensee electronically, unless the consumer has agreed to accept such notices via electronic mail.
- b) Annual notices only. A licensee may reasonably expect that a customer will receive actual notice of the licensee's annual privacy notice if:
- 1) The customer uses the licensee's web site to access insurance products and services electronically and agrees to receive notices at the web site and the licensee posts its current privacy notice continuously in a clear and conspicuous manner on the web site; or
 - 2) The customer has requested that the licensee refrain from sending any information regarding the customer relationship, and the licensee's current privacy notice remains available to the customer upon request.
- c) Oral description of notice insufficient. A licensee may not provide any notice required by this Part solely by orally explaining the notice, either in person or over the telephone.
- d) Retention or accessibility of notices for customers.
- 1) For customers only, a licensee shall provide the initial notice required by Section 4002.40(a)(1) of this Part, the annual notice required by Section 4002.50(a) of this Part, and the revised notice required by Section 4002.80 of this Part, so that the customer can retain them or obtain them later in writing or, if the customer agrees, electronically.
 - 2) A licensee provides a privacy notice to the customer so that the customer can retain it or obtain it later if the licensee:
 - A) Hand-delivers a printed copy of the notice to the customer;
 - B) Mails a printed copy of the notice to the last known address of the customer; or
 - C) Makes its current privacy notice available on a web site (or a link to another web site) for the customer who obtains an insurance product or service electronically and agrees to receive the notice at the web site.
 - e) Joint notice with other financial institutions. A licensee may

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provide a joint notice from the licensee and one or more of its affiliates or other financial institutions, as identified in the notice, as long as the notice is accurate with respect to the licensee and the other institutions. A licensee also may provide a notice on behalf of another financial institution.

- f) Joint relationships. If 2 or more consumers jointly obtain an insurance product or service from a licensee, the licensee may satisfy the initial, annual and revised notice requirements of Sections 4002.40(a), 4002.50(a) and 4002.80(a) of this Part, respectively, by providing one notice to those consumers jointly.

Section 4002.100 Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties

- a) Conditions for disclosure. Except as otherwise authorized in this Part, a licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party unless:

- 1) The licensee has provided to the consumer an initial notice as required under Section 4002.40 of this Part;
- 2) The licensee has provided to the consumer an opt out notice as set forth in Section 4002.70 of this Part;
- 3) The licensee has given the consumer a reasonable opportunity, before it discloses the information to the nonaffiliated third party, to opt out of the disclosure; and
- 4) The consumer does not opt out.

- b) A licensee provides a consumer with a reasonable opportunity to opt out by one of, but not limited to, the following:

- 1) Mail. The licensee mails the notices required in subsection (a) of this Section to the consumer and allows the consumer to opt out by mailing a form, calling a toll-free telephone number or any other reasonable means within 30 days from the date the licensee mailed the notices.

- 2) Electronic means. A customer opens an on-line account with a licensee and agrees to receive the notices required in subsection (a) of this Section electronically, and the licensee allows the customer to opt out by any reasonable means within 30 days after the date that the customer acknowledges receipt of the notices in conjunction with opening the account.

- 3) Isolated transaction with consumer. For an isolated transaction such as providing the consumer with an insurance quote, a licensee provides the consumer with a reasonable opportunity to opt out if the licensee provides the notices required in subsection (a) of this Section at the time of the transaction and requests that the consumer decide, as a necessary part of the transaction, whether to opt out before completing the transaction.

- c) Application of opt out to all consumers and all nonpublic personal

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financial information.

- 1) A licensee shall comply with this Section, regardless of whether the licensee and the consumer have established a customer relationship.

- 2) Unless a licensee complies with this Section, the licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer that the licensee has collected, regardless of whether the licensee collected it before or after receiving the direction to opt out from the consumer.

- d) Partial opt out. A licensee may allow a consumer to select certain nonpublic personal financial information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

Section 4002.110 Limits on Redisclosure and Reuse of Nonpublic Personal Financial Information

- a) Information the licensee receives under an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution under an exception in Section 4002.140 or 4002.150 of this Part, the licensee's disclosure and use of that information is limited as follows:

- 1) The licensee may disclose the information to the affiliates of the financial institution from which the licensee received the information;

- 2) The licensee may disclose the information to its affiliates, but the licensee's affiliates may, in turn, disclose and use the information only to the extent that the licensee may disclose and use the information;

- 3) The licensee may disclose and use the information pursuant to an exception in Section 4002.140 or 4002.150 of this Part in the ordinary course of business to carry out the activity covered by the exception under which the licensee received the information; and

- 4) If a licensee receives information from a nonaffiliated financial institution for claims settlement purposes, the licensee may disclose the information for fraud prevention, or in response to a properly authorized subpoena; however, the licensee may not disclose that information to a third party for marketing purposes or use that information for its own marketing purposes.

- b) Information a licensee receives outside of an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution other than under an exception in Section 4002.140 or 4002.150 of this Part, the licensee may disclose the information only:

- 1) To the affiliates of the financial institution from which the licensee received the information;

- 2) To its affiliates, but its affiliates may, in turn, disclose the

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information only to the extent that the licensee may disclose the information; and

3) To any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the licensee received the information.

c) Information a licensee discloses under an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under an exception in Section 4002.140 or 4002.150 of this Part, the third party may disclose and use that information only as follows:

- 1) The third party may disclose the information to the licensee's affiliates;
 - 2) The third party may disclose the information to its affiliates, but its affiliates may, in turn, disclose and use the information only to the extent that the third party may disclose and use the information; and
 - 3) The third party may disclose and use the information pursuant to an exception in Section 4002.140 or 4002.150 of this Part in the ordinary course of business to carry out the activity covered by the exception under which it received the information.
- d) Information a licensee discloses outside of an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party other than under an exception in Section 4002.140 or 4002.150 of this Part, the third party may disclose the information only:
- 1) To the licensee's affiliates;
 - 2) To the third party's affiliates, but the third party's affiliates, in turn, may disclose the information only to the extent the third party can disclose the information; and
 - 3) To any other person, if the disclosure would be lawful if the licensee made it directly to that person.

Section 4002.120 Limits on Sharing Account Number Information for Marketing Purposes

- a) General prohibition on disclosure of account numbers. A licensee shall not, directly or through an affiliate, disclose, other than to a consumer reporting agency, a policy number or similar form of access number or access code for a consumer's policy or transaction account to any nonaffiliated third party for use in telemarketing, direct mail marketing or other marketing through electronic mail to the consumer except as provided in subsection (b) of this Section. For the purposes of this Section, a policy or transaction account is an account other than a deposit account or a credit card account and does not include an account to which third parties cannot initiate charges.
- b) Subsection (a) of this Section does not apply if a licensee discloses a policy number or similar form of access number or access code:
- 1) To the licensee's service provider solely in order to perform

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marketing for the licensee's own products or services, as long as the service provider is not authorized to directly initiate charges to the account;

- 2) To a licensee who is an insurance producer solely in order to perform marketing for the licensee's own products or services; or
 - 3) To a participant in an affinity or similar program where the participants in the program are identified to the customer when the customer enters into the program.
- c) For the purposes of this Section a policy number, or similar form of access number or access code, does not include a number or code in an encrypted form, as long as the licensee does not provide the recipient with a means to decode the number or code.

Section 4002.130 Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing

a) The opt out requirements in Sections 4002.70 and 4002.100 of this Part do not apply when a licensee provides nonpublic personal financial information about a consumer to a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf, if the licensee:

- 1) Provides the initial notice in accordance with Section 4002.40 of this Part; and
 - 2) Enters into a contractual agreement with the third party that prohibits the third party from disclosing or using the information other than to carry out the purposes for which the licensee disclosed the information, including use under an exception in Section 4002.140 or 4002.150 of this Part in the ordinary course of business to carry out those purposes.
- b) Service may include joint marketing. The services a nonaffiliated third party performs for a licensee under subsection (a) of this Section may include marketing of the licensee's own products or services or marketing of financial products or services offered pursuant to joint agreements between the licensee and one or more financial institutions.
- c) Definition of "joint agreement". For purposes of this Section, "joint agreement" means a written contract pursuant to which a licensee and one or more financial institutions jointly offer, endorse or sponsor a financial product or service.

Section 4002.140 Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions

- a) Exceptions for processing transactions at consumer's request. The requirements for initial notice in Section 4002.40(a)(2) of this Part, the opt out in Sections 4002.70 and 4002.100 of this Part, and service providers and joint marketing in Section 4002.130 of this Part do not

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apply if the licensee discloses nonpublic personal financial information as necessary to effect, administer or enforce a transaction that a consumer requests or authorizes, or in connection with:

- 1) Servicing or processing an insurance product or service that a consumer requests or authorizes;
- 2) Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity;
- 3) A proposed or actual securitization, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer; or
- 4) Reinsurance or stop loss or excess loss insurance.

b) For the purposes of this Section the phrase "necessary to effect, administer or enforce a transaction" means that the disclosure is:

- 1) Required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out the financial transaction or providing the product or service; or
- 2) Required, or is a usual, appropriate or acceptable method:
 - A) To carry out the transaction or the product or service business of which the transaction is a part, and record, service or maintain the consumer's account in the ordinary course of providing the insurance product or service;
 - B) To administer or service benefits or claims relating to the transaction or the product or service business of which it is a part;
 - C) To provide a confirmation, statement or other record of the transaction, or information on the status or value of the insurance product or service to the consumer or the consumer's agent or broker;
 - D) To accrue or recognize incentives or bonuses associated with the transaction that are provided by a licensee or any other party;
 - E) To underwrite insurance at the consumer's request or for any of the following purposes as they relate to a consumer's insurance:
 - i) Account administration;
 - ii) Reporting;
 - iii) Investigating or preventing fraud or material misrepresentation;
 - iv) Processing premium payments;
 - v) Processing insurance claims;
 - vi) Administering insurance benefits (including utilization review activities);
 - vii) Participating in research projects; or
 - viii) As otherwise required or specifically permitted by federal or State law; or

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F) In connection with:

- i) The authorization, settlement, billing, processing, clearing, transferring, reconciling or collection of amounts charged, debited or otherwise paid using a debit, credit or other payment card, check or account number, or by other payment means;
- ii) The transfer of receivables, accounts or interests therein; or
- iii) The audit of debit, credit or other payment information.

Section 4002.150 Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information

a) Exceptions to opt out requirements. The requirements for initial notice to consumers in Section 4002.40(a)(2) of this Part, the opt out in Sections 4002.70 and 4002.100 of this Part, and service providers and joint marketing in Section 4002.130 of this Part do not apply when a licensee discloses nonpublic personal financial information:

- 1) With the consent or at the direction of the consumer, provided that the consumer has not revoked the consent or direction pursuant to Section 4002.70(h) of this Part;
- 2) To protect the confidentiality or security of a licensee's records pertaining to the consumer, service, product or transaction;
- 3) To protect against or prevent actual or potential fraud or unauthorized transactions;
- 4) For required institutional risk control or for resolving consumer disputes or inquiries;
- 5) To persons holding a legal or beneficial interest relating to the consumer;
- 6) To persons acting in a fiduciary or representative capacity on behalf of the consumer;
- 7) To provide information to insurance rate advisory organizations, guaranty funds or agencies, agencies that are rating a licensee, persons that are assessing the licensee's compliance with industry standards, and the licensee's attorneys, accountants and auditors;
- 8) To the extent specifically permitted or required under other provisions of law and in accordance with the federal Right to Financial Privacy Act of 1978 (12 USC 3401 et seq.), to law enforcement agencies (including the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Office of Thrift Supervision, National Credit Union Administration, the Securities and Exchange Commission, the Secretary of the Treasury, with respect to Records and Reports on Monetary Instruments and Transactions (31 USC Chapter 53, Subchapter II) and Financial Recordkeeping (12 USC Chapter 21), a

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state insurance authority, and the Federal Trade Commission), self-regulatory organizations or for an investigation on a matter related to public safety;

- 9) To a consumer reporting agency in accordance with the federal Fair Credit Reporting Act (15 USC 1681 et seq.) or from a consumer report reported by a consumer reporting agency;
- 10) In connection with a proposed or actual sale, merger, transfer or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal financial information concerns solely consumers of the business or unit;
- 11) To comply with federal, state or local laws, rules and other applicable legal requirements;
- 12) To comply with a properly authorized civil, criminal or regulatory investigation, or subpoena or summons by federal, state or local authorities;
- 13) To respond to judicial process or government regulatory authorities having jurisdiction over a licensee for examination, compliance or other purposes as authorized by law; or
- 14) For purposes related to the replacement of a group benefit plan, a group health plan, or a group welfare plan.
 - b) The notice requirements of this Part may be waived by the Director when a company is in liquidation or receivership pursuant to Article XIII of the Code [215 ILCS 5/Art. XIII].

Section 4002.200 Nondiscrimination

A licensee shall not unfairly discriminate against any consumer or customer because that consumer or customer has opted out from the disclosure of his or her nonpublic personal financial information pursuant to the provisions of this Part.

Section 4002.210 Enforcement

This Part, Article XL of the Code [215 ILCS 5/Art. XL], and Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827) shall be enforced by the Director with respect to all licensees.

Section 4002.220 Penalty

Failure of a company or person to comply with this Part shall subject the company to the applicable provisions of Section 403A of the Code [215 ILCS 5/403A].

Section 4002.230 Severability

If any Section or portion of a Section of this Part or its applicability to any person or circumstance is held invalid by a court, the remainder of this Part or the applicability of the provision to other persons or circumstances shall

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not be affected.

Section 4002.235 Protection of Fair Credit Reporting Act

Nothing in this Part shall be construed to modify, limit or supersede the operation of the federal Fair Credit Reporting Act (15 USC 1681 et seq.), and no inference shall be drawn on the basis of the provisions of this Part regarding whether information is transaction or experience information under Section 603 of that Act.

Section 4002.240 Effective Date

This Part will be effective July 1, 2001 in order to provide sufficient time for licensees to establish policies and systems to comply with the requirements of Title V of the Gramm-Leach-Bliley Act (15 USC 6801 through 6827), which became effective November 13, 1999. By July 1, 2001, a licensee shall provide an initial notice, as required by Section 4002.40 of this Part, to consumers who are the licensee's customers on July 1, 2001. However, the provisions of Section 4002.130 are satisfied until July 1, 2002 as applied to a contract that a licensee has entered into with a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf, even if the contract does not include a requirement that the third party maintain the confidentiality of nonpublic personal information, as long as the licensee entered into the contract on or before July 1, 2000.

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Section 4002. ILLUSTRATION A Sample Clauses

Licenses, including a group of financial holding company affiliates that use a common privacy notice, may use the following sample clauses, if the clause is accurate for each institution that uses the notice. (Note that disclosure of certain information, such as assets, income and information from a consumer reporting agency, may give rise to obligations under the federal Fair Credit Reporting Act, such as a requirement to permit a consumer to opt out of disclosures to affiliates or designation as a consumer reporting agency if disclosures are made to nonaffiliated third parties.)

A-1-Categories of information a licensee collects (all institutions)

A licensee may use this clause, as applicable, to meet the requirement of Section 4002.60(a)(1) of this Part to describe the categories of nonpublic personal information the licensee collects.

Sample Clause A-1:

- We collect nonpublic personal information about you from the following sources:
- * Information we receive from you on applications or other forms;
 - * Information about your transactions with us, our affiliates or others; and
 - * Information we receive from a consumer reporting agency.

A-2-Categories of information a licensee discloses (institutions that disclose outside of the exceptions)

A licensee may use one of these clauses, as applicable, to meet the requirement of Section 4002.60(a)(2) of this Part to describe the categories of nonpublic personal information the licensee discloses. The licensee may use these clauses if it discloses nonpublic personal information other than as permitted by the exceptions in Sections 4002.130, 4002.140 and 4002.150 of this Part.

Sample Clause A-2, Alternative 1:

We may disclose the following kinds of nonpublic personal information about you:

- * Information we receive from you on applications or other forms, such as [provide illustrative examples, such as "your name, address, social security number, assets, income, and beneficiaries"];
- * Information about your transactions with us, our affiliates or others, such as [provide illustrative examples, such as "your policy coverage, premiums, and payment history"]; and
- * Information we receive from a consumer reporting agency, such as [provide illustrative examples, such as "your creditworthiness and credit history"].

Sample Clause A-2, Alternative 2:

We may disclose all of the information that we collect, as described [describe location in the notice, such as "above" or "below"].

A-3-Categories of information a licensee discloses and parties to whom the licensee discloses (institutions that do not disclose outside of the exceptions)

A licensee may use this clause, as applicable, to meet the requirements of Sections 4002.60(a)(2), (a)(3), and (a)(4) to describe the categories of

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nonpublic personal information about customers and former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses. A licensee may use this clause if the licensee does not disclose nonpublic personal information to any party, other than as permitted by the exceptions in Sections 4002.140 and 4002.150 of this Part.

Sample Clause A-3:

We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law.

A-4-Categories of parties to whom a licensee discloses (institutions that disclose outside of the exceptions)

A licensee may use this clause, as applicable, to meet the requirement of Section 4002.60(a)(3) of this Part to describe the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal information. This clause may be used if the licensee discloses nonpublic personal information other than as permitted by the exceptions in Sections 4002.130, 4002.140 and 4002.150 of this Part, as well as when permitted by the exceptions in Sections 4002.140 and 4002.150 of this Part.

Sample Clause A-4:

We may disclose nonpublic personal information about you to the following types of third parties:

- * Financial service providers, such as [provide illustrative examples, such as "life insurers, automobile insurers, mortgage bankers, securities broker-dealers, and insurance agents"];
- * Non-financial companies, such as [provide illustrative examples, such as "retailers, direct marketers, airlines, and publishers"]; and
- * Others, such as [provide illustrative examples, such as "non-profit organizations"].

We may also disclose nonpublic personal information about you to nonaffiliated third parties as permitted by law.

A-5-Service provider/joint marketing exception

A licensee may use one of these clauses, as applicable, to meet the requirements of Section 4002.60(a)(5) of this Part related to the exception for service providers and joint marketers in Section 4002.130 of this Part. If a licensee discloses nonpublic personal information under this exception, the licensee shall describe the categories of nonpublic personal information the licensee discloses and the categories of third parties with which the licensee has contracted.

Sample Clause A-5, Alternative 1:

We may disclose the following information to companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements:

- * Information we receive from you on applications or other forms, such as [provide illustrative examples, such as "your name, address, social security number, assets, income, and beneficiaries"];
- * Information about your transactions with us, our affiliates or others, such

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as [provide illustrative examples, such as "your policy coverage, premium, and payment history"]; and

* Information we receive from a consumer reporting agency, such as [provide illustrative examples, such as "your creditworthiness and credit history"].

Sample Clause A-5, Alternative 2:

We may disclose all of the information we collect, as described [describe location in the notice, such as "above" or "below"] to companies that perform marketing services on our behalf or to other financial institutions with whom we have joint marketing agreements.

A-6-Explanation of opt out right (institutions that disclose outside of the exceptions)

A licensee may use this clause, as applicable, to meet the requirement of Section 4002.60(a)(6) of this Part to provide an explanation of the consumer's right to opt out of the disclosure of nonpublic personal information to nonaffiliated third parties, including the methods by which the consumer may exercise that right. The licensee may use this clause if the licensee discloses nonpublic personal information other than as permitted by the exceptions in Sections 4002.130, 4002.140 and 4002.150 of this Part.

Sample Clause A-6:

If you prefer that we not disclose nonpublic personal information about you to nonaffiliated third parties, you may opt out of those disclosures, that is, you may direct us not to make those disclosures (other than disclosures permitted by law). If you wish to opt out of disclosures to nonaffiliated third parties, you may [describe a reasonable means of opting out, such as "call the following toll-free number: (insert number)].

A-7-Confidentiality and security (all institutions)

A licensee may use this clause, as applicable, to meet the requirement of Section 4002.60(a)(8) of this Part to describe its policies and practices with respect to protecting the confidentiality and security of nonpublic personal information.

Sample Clause A-7: We restrict access to nonpublic personal information about you to [provide an appropriate description, such as "those employees who need to know that information to provide products or services to you"]. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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- 1) Heading of the Part: Use Tax
 - 2) Code Citation: 86 Ill. Adm. Code 150
 - 3) Section Numbers: Proposed Action:
150.705 Amendment
 - 4) Statutory Authority: 35 ILCS 105
 - 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 150.705 by implementing Public Act 91-901, which provides that beginning January 1, 2001, with respect to motor vehicles, aircraft, watercraft, and trailers, a purchaser of such tangible personal property for use in this State, who purchases such tangible personal property from an out-of-state retailer, shall file, with the Department, upon a form prescribed and supplied by the Department, a return for each such item of tangible personal property purchased, except that if, in the same transaction, (i) a purchaser of motor vehicles, aircraft, watercraft, or trailers who is a retailer of motor vehicles, aircraft, watercraft, or trailers purchases more than one motor vehicle, aircraft, watercraft, or trailer for the purpose of resale or (ii) a purchaser of motor vehicles, aircraft, watercraft, or trailers purchases more than one motor vehicle, aircraft, watercraft, or trailer for use as qualifying rolling stock (see 86 Ill. Adm. Code 130.340) as provided in Section 3-55 of the Act, then the purchaser may report the purchase of all motor vehicles, aircraft, watercraft, or trailers involved in that transaction to the Department on a single return prescribed by the Department.
 - 6) Will this proposed amendment replace an emergency rulemaking currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Does this proposed amendment contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|------------------------------|
| 150.337 | New Section | 11/06/00, 24 Ill. Reg. 14197 |
| 150.105 | Amendment | 11/17/00, 24 Ill. Reg. 17018 |
| 150.1310 | Amendment | 12/01/00, 24 Ill. Reg. 17507 |
| 150.331 | Amendment | 01/16/01, 25 Ill. Reg. 01171 |
| 150.332 | Amendment | 01/16/01, 25 Ill. Reg. 01171 |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
 - 11) Time, Place and Manner in which interested persons may comment on this

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proposed rulemaking: persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Purchasers of motor vehicles, aircraft, watercraft, and trailers

B) Reporting, bookkeeping or other procedures required for compliance:
Minimal

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section
150.101
150.105
150.110
150.115
150.120
150.125
150.130
150.135

Description of the Tax
Rate and Base of Tax
How To Compute Depreciation
How to Determine Effective Date
Effective Date of New Taxes
Relation of Use Tax to Retailers' Occupation Tax
Accounting for the Tax
How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section
150.201

General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section
150.301
150.305

150.306
150.310
150.315
150.320
150.325

150.330
150.331
150.332
150.335

Cross References
Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
Interim Use and Demonstration Exemptions
Exemptions to Avoid Multi-State Taxation
Non-resident Exemptions
Meaning of "Acquired Outside This State"
Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
Governmental Bodies as Buyers
Persons Who Lease Tangible Personal Property to Exempt Hospitals
Persons Who Lease Tangible Personal Property to Governmental Bodies
Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic Game Hunting Areas
Fuel Brought into Illinois in Locomotives
Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section

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150.401	Collection of the Tax by Retailers From Users
150.405	Tax Collection Brackets
150.410	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.430	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.445	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.450	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.500	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505	Optional 1% Schedule (Repealed)
150.510	Exact Collection of Tax Required When Practicable
150.515	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520	Display of Tax Collection Schedule (Repealed)
150.525	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates
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150.601	Requirements
SUBPART E: RECEIPT FOR THE TAX	
SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS	
Section	
150.701	When and Where to File a Return
150.705	Use Tax on Items that are Titled or Registered in Illinois
150.710	Procedure in Claiming Exemption from Use Tax
150.715	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.716	Display Certificates for House Trailers
150.720	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.725	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.730	Direct Reporting of Use Tax to Department by Registered Retailers

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SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section	
150.801	When Out-of-State Retailers Must Register and Collect Use Tax
150.805	Voluntary Registration by Certain Out-of-State Retailers
150.810	Incorporation by Reference
SUBPART H: RETAILERS' RETURNS	
Section	
150.901	When and Where to File
150.905	Deduction for Collecting Tax
150.910	Incorporation by Reference
150.915	Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois
SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS AND ADMINISTRATIVE PROCEDURES	
Section	
150.1001	General Information
SUBPART J: TRADED-IN PROPERTY	
Section	
150.1101	General Information
SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE	
Section	
150.1201	General Information
SUBPART L: BOOKS AND RECORDS	
Section	
150.1301	Users' Records
150.1305	Retailers' Records
150.1310	Use of Signs to Prove Collection of Tax as a Separate Item
150.1315	Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320	Incorporation by Reference
SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX	
Section	
150.1401	Claims for Credit--Limitations--Procedure
150.1405	Disposition of Credit Memoranda by Holders Thereof

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150.1410 Refunds
150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March, 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. _____, effective _____.

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section 150.705 Use Tax on Items that are Titled or Registered in Illinois

- a) Motor vehicles, as used in this Regulation, include passenger cars, trucks, busses, motorcycles and any kind of vehicle which is required to be titled under the Illinois Vehicle Code [625 ILCS/Ch. 1].
- b) Implement of husbandry means:
Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a capacity of more than 400 bushels or a gross weight of more than 36,000 pounds, shall be included hereunder. [625 ILCS 5/1-130]
- c) Special mobile equipment means:
Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors

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other than truck tractors, ditches, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. [625 ILCS 5/1-191]

- d) For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2], a personal watercraft, or any boat equipped with an inboard motor.
- e) Where the purchaser is paying the Use Tax directly to the Department with respect to a motor vehicle, watercraft or aircraft, or with respect to an implement of husbandry or special mobile equipment as to which an optional certificate of title will be applied for to the Illinois Secretary of State, such payment shall be made separately from any other Use Tax liability or any Retailers' Occupation Tax or other liability.
- f) On receipt of the tax, the Department will provide the user with a receipt if demanded by the user, but not otherwise, unless the tax payment relates to a motor vehicle (including a house trailer for which a display certificate is required), watercraft or aircraft, in which case the Department will try to see that the user receives a receipt even if no request therefor is made. The same comments apply to an implement of husbandry or special mobile equipment for which an optional title is being sought.
- g) However, the user is urged not to fail to request a receipt from the Department when paying the Use Tax with respect to the selling price of a motor vehicle, watercraft or aircraft, or with respect to an implement of husbandry or special mobile equipment for which an optional title is being sought, either to the Department or to a retailer. Such receipt will be needed in securing an Illinois title to the watercraft from the Department of Natural Resources; or to the motor vehicle, implement of husbandry or special mobile equipment for which an optional title is being sought from the Illinois Secretary of State; or a certificate of registration for the aircraft from the Illinois Department of Transportation, Division of Aeronautics.
- h) When a purchaser pays the tax directly to the Department on a motor vehicle, watercraft or aircraft, or on an implement of husbandry or special mobile equipment for which the purchaser is seeking an optional title, so that the tax is being paid on a transaction by transaction basis, the purchaser should also send the Department a copy of the Bill of Sale or Dealer's Invoice relating to such property for examination.
- i) In addition, beginning January 1, 2001, with respect to motor vehicles, aircraft, watercraft, and trailers (and implements of husbandry or special mobile equipment for which the purchaser intends

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to apply for an optional title), a purchaser of such tangible personal property for use in this State, who purchases such tangible personal property from an out-of-state retailer, shall file, with the Department, upon a form prescribed and supplied by the Department, a return for each such item of tangible personal property purchased, except that if, in the same transaction:

- 1) a purchaser of motor vehicles, aircraft, watercraft, or trailers who is a retailer of motor vehicles, aircraft, watercraft, or trailers purchases more than one motor vehicle, aircraft, or watercraft, or trailer for the purpose of resale; or
- 2) a purchaser of motor vehicles, aircraft, watercraft, or trailers purchases more than one motor vehicle, aircraft, watercraft, or trailer for use as qualifying rolling stock (see 86 Ill. Adm. Code 130.340) as provided in Section 3-55 of the Act.

then the purchaser may report the purchase of all motor vehicles, aircraft, watercraft, or trailers involved in that transaction to the Department on a single return prescribed by the Department. [35 ILCS 105/10] For purposes of the exception in subsection (i)(2) above, purchasers may only report multiple purchases of items of like kind and character on a single return. For example, purchasers may report the purchase of 15 motor vehicles on a single return. However, purchasers may not report the purchase of 10 trailers and 5 motor vehicles on a single return. Such a purchase requires one return for the trailers and a second return for the motor vehicles.

- j*) For information concerning the procedure to be followed in accounting for the tax when the purchaser buys a motor vehicle, watercraft or aircraft (or an implement of husbandry or special mobile equipment for which the purchaser is going to apply for an optional title) at retail in Illinois and pays the tax to the retailer rather than directly to the Department, see Section 130.540 of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: 1040.100 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Articles II and VI of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VI] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rule amendment is proposed to include previous new legislation.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
1040.60	Amendment	24 Ill. Reg. 15914 (October 27, 2000)
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller
Assistant General Counsel
Department of Driver Services
2701 South Dirksen Parkway
Springfield IL 62723
217/782-5356

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

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B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda in which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 Or More Traffic Offenses Committed Within 12 Months
1040.31	Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Occupational
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and

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authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 1040.100 Rescissions

- a) For purposes of this Section, the following definitions shall apply:
- "Cancellation" - the annulment or termination by formal action of the Secretary of a person's driver's license because of some

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error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation as defined in Section 1-110 of the Illinois Vehicle Code [625 ILCS 5/1-110] ~~(((11-Rev-Stat-1987--ch-95-1/27-par-1-110))).~~

"Denial of Driver's License" - to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit, if a driver's license has been previously issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-107(d)].

"Denial of Driving Privilege" - to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) of the Illinois Vehicle Code [625 ILCS 5/6-107(c)].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension ~~Suspension~~" - suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket.

"Rescission" - to annul or void a suspension, revocation, cancellation or denial.

"Revocation" - termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176] ~~(((11-Rev-Stat-1987--ch-95-1/27-par-1-176))).~~

"Statutory Summary Suspension" - withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of drugs and/or alcohol as provided in Section 1-197.5 ~~Section-1-203.1~~ of the Illinois Vehicle Code [625 ILCS 1-197.5] ~~(((11-Rev-Stat-1987--ch-95-1/27-par-1-203.1))).~~

"Stricken on Leave" - stricken off call with leave to reinstate.

DEPARTMENT OF EMPLOYMENT SECURITY
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- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3)

<u>Section Number:</u> 2732.305 2732.306	<u>Adopted Action:</u> Repealed New Section
--	---
- 4) Statutory Authority: 820 ILCS 405/205, 206, 211.5, 212, 212.1, 215, 217, 218, 225, 1700 and 1701; 820 ILCS 405/206.1, see Public Act 91-0890.
- 5) Effective Date of the Amendment: January 18, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: November 3, 2000 at 24 Ill. Reg. 16163
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: In the example in subsection (a) of Section 2732.306, 2000 was changed to 2001 (in one instance, 2001 was changed to 2002) to take into consideration the new provisions of subsection (f). Subsection (f) was added to Section 2732.306.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will this replace an emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the Rulemaking: As required by the recent addition of Section 206.1 included in Public Act 91-890, this rule sets forth the registration requirements for employee leasing companies which wish to be considered as the employer of their leased employees for the purposes of the Unemployment Insurance Act. Prior to the enactment of Public Act 91-0890 [820 ILCS 405/206.1], Section 2732.305 had set forth the conditions under which an employee leasing company would be considered the employer of its leased workers. Those conditions are superseded by the conditions set forth in Section 206.1 of the Act. Therefore, Section

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- 2732.305 is being repealed.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7 South
Chicago, Illinois 60605
312/793-4240

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY
NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS
PART 2732
EMPLOYMENT

SUBPART A: COVERAGE

Section 2732.125 Requirement That "Four Or More" Employees Of A Nonprofit Organization Perform Services Within This State

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.200 Section 212 Of The Act - Services In Employment
2732.203 The Effect Of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act
2732.205 Owner-Operators Of Motorized Vehicles
2732.210 Mandatory Jury Service
2732.215 Exemption From The Definition Of Employment For Participants In The Americorps Program
2732.220 Exemption From The Definition Of Employment For Direct Sellers Of Consumer Goods
2732.225 Exemption From The Definition Of Employment For Freelance Editorial Or Photographic Work
2732.227 Exemption For The Delivery Or Distribution Of Newspaper Or Shopping News To The Ultimate Consumer
2732.230 Domestic Service
2732.235 Effect Of Section 218 Of The Act On The Employment Status Of Certain Relatives

SUBPART C: DETERMINING THE EMPLOYER

Section 2732.305 Employee Leasing Companies (Repealed)
2732.306 Employee Leasing Company - Obligation To Report The Identities Of Its Clients

AUTHORITY: Implementing and authorized by Sections 205, 206, 206.1, 211.5, 212, 212.1, 215, 217, 218, 225, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405/205, 206, 206.1, 211.5, 212, 212.1, 215, 217, 218, 225, 1700, and 1701] (see Public Act 91-0890).

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 15 Ill. Reg. 11423, effective July 30, 1991; amended at 16 Ill. Reg. 8173, effective May 18, 1992;

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amended at 16 Ill. Reg. 12159, effective July 20, 1992; amended at 17 Ill. Reg. 8809, effective June 2, 1993; amended at 17 Ill. Reg. 17947, effective October 4, 1993; amended at 18 Ill. Reg. 16355, effective October 24, 1994; amended at 21 Ill. Reg. 9456, effective July 2, 1997; emergency amendment at 24 Ill. Reg. 14788, effective September 22, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. **2003.2**, effective **1/1/03**.

SUBPART C: DETERMINING THE EMPLOYER

Section 2732.305 Employee Leasing Companies (Repealed)

a) The words and terms used in this Section shall have the following meanings:
1) "Client" shall have the same meaning as that set forth for this term in Section 2765.5 of this Part;
2) "Employee-leasing company" (also referred to as an employee service company) shall have the same meaning as that set forth for this term in Section 2765.5 of this Part;

Example: An on-going business lays off its workers and then they are immediately hired by the employee-leasing company; this transaction exemplifies supplying workers to a client;
3) "Worker" means an individual provided by an employee-leasing company to perform services in employment for its client;

b) Notwithstanding any contractual provisions that designate who is the employer, an employee service company is the employer of a worker only if, in fact, the employee service company performs all of the following functions:

- 1) Retains the sole authority to hire, promote, discipline and terminate the worker; An indication of whether the employee-leasing company performs this function can be found in the answers to the following questions:
 - A) Who recruits, interviews and tests the prospective worker and subsequently makes the hiring decision?
 - B) Who formulates rules and regulations applicable to worker conduct, regardless of where the worker is placed?
 - C) Who does the worker notify of any absences and requests for leave?
- 2) Who resolves any worker dissatisfaction concerning conditions of employment?

Assigns or approves the worker to perform services for the client; An indication of whether the employee-leasing company performs this function can be found in the answers to the following questions:

- A) Does the client independently negotiate with the worker regarding conditions of employment?
- B) If the client becomes dissatisfied with the performance of the worker and requests reassignment of the worker, who makes the decision whether to discharge the worker or

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reassign him to another client?

e) Who provides on-site supervision of the worker, prepares and sets a work schedule for workers at the job site and sets performance standards or time requirements for the completion of the client work assigned?

3) Decides the total compensation paid to the worker, including rate of pay and benefits. An indication of whether the employee leasing company performs this function can be found in the answers to the following questions:

A) Who determines the hourly rate or salary of the worker and also decides whether to provide pay increases or decreases?

B) Who provides the medical and hospitalization insurance, life insurance and pension benefits?

C) When a package of the benefits listed in subsection (b)(3)(B) above is provided, are they comparable regardless of the client?

D) Who not only issues a check for the worker's hourly wages but also pays sick vacation and bonus compensation? Moreover, who reimburses the worker for his expenses?

4) Incurs liability for the State and Federal employment taxes and assures that workers' compensation is provided to the worker.

5) Negotiates with clients for such matters as time, place, type of work, working conditions and quality and price of services. An indication of whether the employee leasing company performs this function can be found in the answer to the question prior to entering into the lease relationship, do the client and employee leasing company negotiate as to such matters as the number of shifts per work day, mandatory overtime, number of breaks and length of lunches?

c) Notwithstanding any of the aforementioned functions, nothing herein shall limit the right of the employee leasing company to confer with its client concerning any of the aforementioned functions.

d) If the employee leasing company does not perform all of the functions in subsection (b), then the client is the employer of the worker. There is a rebuttable presumption that the employee service company performs all of the functions in subsection (b) above unless:

1) the contract between the client and the employee service company indicates the client performs or has the right to perform one or more of the functions in subsection (b) above; or

2) a principal or officer of the client states to the Director or an employee of the Director that the client performs or has the right to perform one or more of the functions in subsection (b) above; or

3) the client has previously contracted with another employee service company and circumstances suggest that the client's decision to terminate its relationship with the other employee service company was principally motivated by a desire to avoid unemployment insurance contributions.

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e) Notwithstanding any other provision of this Section, the client shall always be the employer of the officers of a corporation as the term is used in its articles of incorporation or by laws to the extent that the individual is providing services in the capacity of an officer. However, nothing in this subsection is intended to preclude an officer of a corporation, a sole proprietor of a business or a partner in a partnership from separately performing and being compensated for services performed as an employee of the leasing company.

Example: Mr. Smith is the vice president for operations of Company A which leases its workers from Leasing Company X. To the extent that Mr. Smith performs the functions of a vice president of Company A, his wages for such services must be reported by Company A. However, Mr. Smith may provide services to Leasing Company X other than those as an officer of Company A to the extent that these services are provided to the leasing company, any wages for these services are to be reported by the leasing company.

f) Nothing in this Section is intended to preclude the employee leasing company from performing the functions in subsection (b) through on-site supervisors whether or not such supervisors were previously employed by the client in the same or similar capacities. However, the employee leasing company must show that such individuals are its employees while performing the function of on-site supervisors in that, subject to subsection (c), it performs the functions in subsection (b) of this Section with respect to such individuals.

(Source: Repealed at 25 Ill. Reg. 2003.12, effective 1/1/01)

Section 2732.306 Employee Leasing Company - Obligation To Report The Identities Of Its Clients

a) A report submitted to the Department in the manner provided for in subsection (e), with the contents required by subsection (b), will satisfy the reporting requirement in paragraph 4 of subsection B of Section 206.1 of the Act for each calendar quarter ending on or after the date of the report's submission. The report will also satisfy the reporting requirements for the calendar quarter ending immediately prior to its submission where the employee leasing company's contract with the client took effect in that quarter and either:

1) the report is submitted within 30 days after the effective date of the contract; or

2) the last day of the quarter is a day on which the Department is closed and the report is submitted on the first succeeding day on which the Department is open.

Example: Employee Leasing Company A contracts with Client B to lease employees to Client B, effective July 1, 2001. Client B has a contribution rate of 1.0% for 2001. Employee Leasing

Company A has a contribution rate of 4.0% for 2001 and its relationship with Client B meets the conditions set forth in paragraphs 1, 2 and 3 of subsection B of Section 206.1 of the Act. Beginning with the report due for the third quarter of 2001, Employee Leasing Company A reports the leased employees on its wage reports and pays contributions on those wages at its contribution rate. Client B terminates its liability as of July 1, 2001 and stops filing any wage reports. However, the Employee Leasing Company does not report the leasing relationship to the Director until February 1, 2002. As a result, Employee Leasing Company A cannot report the workers in question for the third and fourth quarters of 2001 as its employees. The workers must be reported by Client B. Since timely wage reports were not filed nor were contributions paid by Client B, penalties will be assessed and interest charged. Waiver of such penalty and interest can be granted only for the reasons set forth in 56 Ill. Adm. Code 2765. Employee Leasing Company A may amend its wage reports to remove the workers and then file for a refund or adjustment as provided in Section 2201 of the Act.

In order to satisfy the reporting requirement in paragraph 4 of subsection B of Section 206.1 of the Act, a report must contain:

- 1) the name of the client;
- 2) a general description of the client's business and business locations;
- 3) the client's unemployment insurance account number (if any); and
- 4) the effective date of the employee leasing company's contract with the client.

The report shall be accompanied by either a power of attorney to represent the client or a certification by an officer or employee of the employee leasing company that the information contained in the report is true and correct to the best of his or her knowledge.

- c) Whenever the employee leasing relationship between an employee leasing company and its client is terminated, the employee leasing company must report the name of the client, the client's unemployment insurance account number (if any) and the effective date of the termination within 30 days after that date.

- d) The terms used in this Section shall have the meanings set forth for them in Section 206.1 of the Act.

- e) The notices required by this Section shall be mailed or sent by facsimile transmission to the Illinois Department of Employment Security, Revenue Division, 401 S. State St., 4th Floor North, Chicago, IL 60605, Attn: Employer Services (FAX No.: 312-793-6296). A facsimile transmission is subject to Section 2712.1 with respect to the risk of nontransmission and the effect of the dates imprinted by the Department's and sender's respective telefax machines.

- f) A report submitted to the Department in the manner provided for in subsection (e), with the contents required by subsection (b), but after the deadline established in subsection (a), will satisfy the

reporting requirement in paragraph 4 of subsection B of Section 206.1 of the Act for either or both of the third and fourth calendar quarters of 2000 if it is filed on or before April 2, 2001, and the employee leasing company indicates in writing that it intends for the report to do so.

(Source: Added at 25 Ill. Reg. 3.013, effective 1/1/01.)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Number: Adopted Action:
2765.5 Amended
- 4) Statutory Authority: 820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 (1998, State Bar Edition); 820 ILCS 405/206.1, see Public Act 91-0890.
- 5) Effective Date of the Amendment: January 18, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: November 3, 2000 at 24 Ill. Reg. 16170
- 10) Has JCAR issued a Statement of Objection to these rulemaking? No
- 11) Difference between proposal and final version: Only the minor changes suggested by the Administrative Code Division were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will this replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the Rulemakings: The definitions being deleted from this Section were replaced by statutory definitions of the same terms in Public Act 91-0890 [5B820 ILCS 405/206.1].
- 16) Information and Questions regarding these Adopted Amendments may be addressed to: Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7 South
Chicago, Illinois 60605
312/793-4240

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begin on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
 SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section	
2765.1	Unemployment Contributions Not Deductible From Wages
2765.5	Definitions
2765.10	Payment Of Contributions
2765.15	Liability For The Entire Year
2765.18	Liability Of A Third Party Purchaser Or Transferee For The Due And Unpaid Contributions, Interest And Penalties Of The Seller Or Transferor's Seller Or Transferor
2765.20	Contributions Of Employers By Election
2765.25	Payments In Lieu Of Contributions
2765.30	When Payments In Lieu Of Contributions Payable
2765.35	Payments When Reimbursable Employer Becomes Contributory
2765.40	Payments When Contributory Employer Becomes Reimbursable
2765.44	Fee For Not Sufficient Funds (NSF) Checks
2765.45	Application Of Payment
2765.50	Accrual Of Interest
2765.55	Imposition Of Penalty
2765.60	Payment Or Filing By Mail
2765.63	When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
2765.64	Consequences Where An Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions Which Wages Should Have Been Reported And Contributions Paid By Its Client
2765.65	Waiver Of Interest Or Penalty
2765.66	Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
2765.67	Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages To The Wrong State
2765.68	Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage Reports (UC-3/40)
2765.69	Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois Unemployment Insurance Contributions
2765.70	Waiver Of Interest For Certain Nonprofit Organizations or Local Governmental Entities
2765.71	Waiver Of Interest Accruing Due To A Delay In The Issuance Of A Decision On A Protested Determination And Assessment
2765.73	Waiver Of Interest For Certain Nonprofit Hospitals
2765.74	Time For Paying Or Filing Delayed Payment Or Report

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NOTICE OF ADOPTED AMENDMENTS

Application For Waiver
 Approval Of Application For Waiver
 Insufficient Or Incomplete Application
 Disapproval Of Application Conclusive
 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

Section	
2765.200	Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession
2765.210	Prohibition On Withdrawal Of Joint Application For Partial Transfer Of Experience Rating Record
2765.225	Requirement For Privy In Order To Have A Predecessor Successor Relationship
2765.228	No Requirement For Continuous Operation In Order For A Predecessor Successor Relationship To Exist
2765.230	Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

Section	
2765.325	Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
2765.326	Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
2765.328	What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act
2765.329	Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993
2765.330	Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
2765.332	Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
2765.333	Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
2765.334	Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
2765.335	Procedural Requirements And Right Of Appeal
AUTHORITY:	Implementing and authorized by Sections 206.1, 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, and 2600 of the Unemployment Insurance Act [820 ILCS 405/206.1, 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, and 2600] (see Public

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Act 91-0890).

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27, 1994; emergency amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4307, effective February 29, 1996; amended at 25 Ill. Reg. 4111, effective JAN 1 1997.

SUBPART A: GENERAL PROVISIONS

Section 2765.5 Definitions

For the purposes of this Part, the following terms shall have the meaning as defined hereunder:

"Act" means the Unemployment Insurance Act ~~as amended~~ [820 ILCS 405] (~~Ill. Rev. Stat. ch. 48, pars. 386-407~~).

"Client" means ~~an individual or entity which has contracted with an employee-leasing company to supply it with one or more workers to perform services on an on-going rather than a temporary basis~~.

"Contributing employer" also known as a regular employer, pays contributions at a specified percentage of the taxable wages paid to individuals performing services in covered employment.

"Employee-leasing company" means ~~an individual or entity which contracts with a client to supply one or more workers to perform services for the client on an on-going rather than a temporary basis~~.

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"FUTA" means the Federal Unemployment Tax Act, 26 USC 5-5-6- 3301 through 3311.

"Reimbursable employer" is a nonprofit organization as defined in Section 211.2 of the Act or any local governmental entity as determined in Section 211.1 of the Act which elects to make payments in lieu of contributions.

"Unemployment taxes" are the contributions paid by contributing employers and the payment in lieu of contributions paid by reimbursable employers.

(Source: Amended at 25 Ill. Reg. 4111, effective JAN 1 1997.)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3) Section Numbers:

2510.10	Adopted Action:
2510.40	Amendment
2510.50	Repealed
2510.55	Amendment
2510.60	Amendment
2510.70	Amendment
2510.80	Amendment
2510.90	Amendment
APPENDIX F	Amendment
APPENDIX G	Amendment
APPENDIX H	Amendment
APPENDIX I	Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. 4-4 and 2-3].
- 5) Effective Date of Rulemaking: January 19, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill Reg 15349 - 10/20/00; 24 Ill Reg 16176 - 11/03/00
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Table of Contents, Appendix G: insert "and Paper Format" after "Form"

Table of Contents, Appendix I: insert "and Paper Format" after "Option 2"

Section 2510.50(k)(1): change "alternate" to "alternative".

Section 2510.50(k)(2)(A): delete the redundant "to"

Section 2510.50(k)(2)(A): add a comma after "centers".

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- Section 2510.50(k)(2)(B): change "CBCDIC" to "EBCDIC".
- Section 2510.50(k)(2)(C): add a comma after "submission".
- Section 2510.50(k)(2)(C): add a comma after "agency".
- Section 2510.50(b) and (d): delete "subsection" and reinstate "Section".
- Section 2510.55(c): strike "(i), (ii), and (iii)".
- Section 2510.55(e): change "the effective date of this Section" to "February 1, 2001".
- Section 2510.55(e): change "Section" to "77 Ill. Adm. Code".
- Section 2510.55(e): change "subsection" to "Section".
- Section 2510.70 (Category IV): change "Dataset" to "DataSet".
- Section 2510.80(b): delete "subsection" and reinstate "Section".
- Section 2510.90(a): strike "~~submitted-by--the-hospital-as-well-as-all council-derived-elements~~" after "information"
- 12) Have all changes agreed to by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments allow the agency to perform upgrades regarding special study requests and agency quarterly reports. The proposed amendments will allow the agency to upgrade quarterly reports to include utilization as well as cost trends for the State and update the pricing mechanism for data sales and controlled re-release of agency data by purchasers under special study requests. In addition, the amendments in response to Senate Bill 1657 provide for the agency to begin collecting outpatient surgical data from hospitals and licensed ambulatory surgical treatment centers (ASTCs) beginning January 1, 2001.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division

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Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
217/786-7001, extension 108

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510

DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicaid Cost Reports (Repealed)
2510.40	Collection of Billing Forms Information <u>on Uniform-Billing-Form</u>
2510.50	Report of <u>Inpatient</u> Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	Format of the Financial Data Report
2510.85	<u>Provider Hospital</u> Review
2510.90	

APPENDIX A	Illinois Health Care Cost Containment Council Annual Financial Data Report
APPENDIX B	UB-82 Magnetic Media Record Format
APPENDIX C	UB-82 Uniform Bill Data Fields
APPENDIX D	UB-92 Magnetic Media Record Format
APPENDIX E	UB-92 Uniform Bill Data Fields
APPENDIX F	Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form
APPENDIX G	Ambulatory Surgical Data Fields Option 1/UB92 Form and Paper Format
APPENDIX H	Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form
APPENDIX I	Ambulatory Surgical Data Fields Option 2 and Paper Format

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994;

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emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16046, effective November 17, 1995; amended at 20 Ill. Reg. 4727, effective March 6, 1996; emergency amendment at 21 Ill. Reg. 3277, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 8964, effective July 1, 1997; emergency amendment at 21 Ill. Reg. 12661, effective September 2, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1325, effective December 23, 1997; amended at 25 Ill. Reg. 2417, effective 1/1/98.

Section 2510.10 Purpose

The purpose of this Part is to insure that data are available to make valid comparisons among health care providers hospitals of prices and utilization of for services provided and to support ongoing analysis of the health care delivery system so that the Illinois Health Care Cost Containment Council ("the Council") can fulfill its mandate. [20 ILCS 2215/4-1] ~~Ill. Reg. Stat. 1984-Supp. 7-ch. 111-1/2-par. 6504-11.~~

(Source: Amended at 25 Ill. Reg. 2017, effective 1/1/98.)

Section 2510.40 Submission of Medicaid Cost Reports (Repealed)

a) For fiscal years or other reporting periods ending on or after July 1, 1995, each hospital under the jurisdiction of the Council shall file with the Council:

- 1) a copy of the hospital's Medicaid Cost Report at the same time the hospital submits its Medicaid Cost Report to the Illinois Department of Public Aid; and
 - 2) a copy of any settled Medicaid Cost Report upon receipt by the hospital of a notice of program reimbursement from the Illinois Department of Public Aid.
- b) A hospital whose fiscal year ends after July 1, 1995, shall file its Medicaid Cost Report at the same time the hospital submits its Medicaid Cost Report to the Illinois Department of Public Aid.

(Source: Repealed at 25 Ill. Reg. 2017, effective 1/1/98.)

Section 2510.50 Collection of Billing Forms Information on Uniform Billing Form

- a) Adoption of Uniform Billing Form/HCF 1450
- Effective January 1, 1985, all hospitals shall adopt a uniform system

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for submitting patient charges for payment from public and private payors. This system shall be based upon the adoption of the Uniform Hospital Billing Form Uniform Billing 82/Health Care Financing Administration 1450 (UB-82/HCF 1450) ("UB-82") hereinafter developed by the National Uniform Billing Committee. Section 4-2 of the Illinois Health Finance Reform Act (~~Ill. Rev. Stat. 1997-ch. 111-1/2-par. 6504-2~~) [20 ILCS 2215/4-2].

AGENCY NOTE: For purposes of this Part, the terms Uniform Billing Form, Uniform Billing, and Uniform Bills each refer to the Uniform Hospital Billing Form UB-82/HCF 1450, UB-92/HCF 1450 and any successor forms hereinafter developed by the National Uniform Billing Committee.

b) Acceptance of Uniform Billing Form

Effective January 1, 1985, the Department of Insurance shall require all third-party payors, including but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans, to accept the Uniform Hospital Billing Form UB-82, without attachment; provided, however, nothing in this Chapter shall prevent all such third-party payors from requiring additional information, including but not limited to itemized bills, necessary to determine eligibility for benefits or liability for reimbursement for services provided. The Illinois Department of Public Aid shall not be required to accept the Uniform Hospital Billing Form UB-82 prior to October 1, 1985. Section 4-2 of the Illinois Health Finance Reform Act (~~Ill. Rev. Stat. 1997-ch. 111-1/2-par. 6504-2~~) [20 ILCS 2215/4-2].

AGENCY NOTE: Effective October 1, 1993, Hospitals may file Uniform Billing information with the Council consistent with either the UB-82 or UB-92 formats. Effective January 1, 1994, Hospitals must file Uniform Billing information with the Council consistent with the UB-92 format.

c) Filing of Uniform Billing Information with the Council

Extracts of Uniform Bills for inpatient services shall be prepared by hospitals according to the following regulations.

- 1) All hospitals may file Uniform Billing discharge data with the Council for discharges occurring during the first calendar quarter of 1985 on hard copy. Subsequent to that period, only hospitals not having data processing equipment capable of producing data in one of the acceptable magnetic formats specified in subsection (c)(2) below shall file hard copy Uniform Billing information with the Council. Such information shall be filed with the Council on a Uniform Billing Form or a facsimile of a Uniform Billing Form with the confidential fields specified in subsection (e) below deleted.

2) Data Submission Standards

- A) After the first quarter of 1985, Uniform Billing data extracts shall be submitted in a magnetic format. Acceptable magnetic and electronic formats for submission of

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data will be determined by the Council. The Council shall make no changes to the media-acceptable standards without a minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.

B) Until ~~January 1, 1994~~, the data may be submitted in records formatted as indicated in Appendix B of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

i) Beginning ~~October 1, 1993~~, the data may be submitted in records formatted as indicated in Appendix D of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

ii) Effective ~~1 January 1994~~, the data shall be submitted in records formatted as indicated in Appendix D of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

C) Revisions of data originally filed on a magnetic or electronic format must be filed on a magnetic or electronic format reporting the entire logical record for each record changed.

D) For each patient, the data elements described in subsection (d) below form a record as described in the Appendices of this Part.

E) All claims transactions submitted to the Council must be covered by one or more properly completed Transmittal Forms as defined by the Council. The form shall contain at least the following information:

- i) Submitter Information

Information about the hospital name and address, hospital ID number, contact name and phone number, and other information as may be useful in identifying the submission and contacting other parties responsible for resolving errors;
- ii) Batch/Record Identification

Information regarding the means or media of submission, indication of date submitted, and other information required by the Council to process the submission;
- iii) Actual Number of Discharges

Information regarding the number of discharges occurring at the reporting hospital during a given

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month. The form shall be prepared and registered as required by Public Act 80-1338 as amended November 27, 1985. The Council may change the format and content of the form from time to time within limits which do not impair consistency with the content enumerated above, but in no case shall reject submissions using an obsolete form without at least 30 calendar days notice to the affected hospitals.

F) The Council may allow for the submission of claims data by Electronic Data Interchange as an optional data submission mechanism for hospitals who are equipped to participate. Using record formats as defined elsewhere in this rule and providing for transmittals to be received either physically or by facsimile, the Council may, as budget permits, identify and publish standards for compression, telecommunications rates and protocols, sign-on, file transfer and other EDI-related methodologies using such a method and applying such standards to allow hospitals and their agents to submit Uniform Billing data over telephone lines and through commercial bulletin board services as determined feasible and desirable by the Council. The Council shall develop such standards with regard to the capabilities of hospitals to use the optional method, and such capability is to be determined by a census taken prior to the implementation of any such submission mechanism. The Council shall make no changes to the EDI-related standards without a minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.

3) For quarters ending before July 1, 1992, hospitals shall file complete Uniform Billing data for ~~ninety-five percent--t 95%~~ of all discharges within ~~sixty-t 60~~ calendar days after of the last day of the calendar month in which the patient was discharged or died. The complete Uniform Billing data for the remaining ~~five percent--t 5%~~ of all discharges must be filed within ~~one-hundred eighty-t 180~~ calendar days after of the last day of the calendar month in which the patient was discharged or died. Hospitals will be allowed ~~twenty-t 20~~ calendar days to correct any Uniform Billing data submission errors identified by the Council. For quarters beginning July 1, 1992, hospitals shall file complete Uniform Billing data for ~~ninety-five percent--t 95%~~ of all discharges within ~~sixty-t 60~~ calendar days after of the last day of the calendar month in which the patient was discharged or died. The complete Uniform Billing data for the remaining ~~five percent--t 5%~~ of all discharges must be filed within ~~ninety-t 90~~

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calendar days after of the last day of the calendar month in which the patient was discharged or died. Hospitals will be allowed twenty-(20) calendar days to correct any Uniform Billing data submission errors identified by the Council.

- 4) Hospitals will not be required to file Uniform Billing information on patients for whom a bill is generated exclusively for the Illinois Department of Public Aid until October 1, 1985. The Illinois Department of Public Aid shall report to the Council the data listed in subsection (d) below for the discharges occurring during the period January 1, 1985, through September 30, 1985.

d) Required Uniform Billing Data

The Council, in cooperation with the State Departments of Public Aid, Insurance, and Public Health, shall establish a system for the collection of the following information from hospitals utilizing the raw data available on the hospital Uniform Billing Form. Such data determined as necessary by the Council shall be filed for every discharge regardless of payor and shall include the Uniform Billing data fields coded according to the Council's requirements as found in the Appendices of this Part.

e) Confidential Uniform Billing Data

The following Uniform Billing data fields have been determined to be confidential by the Council and may not under any circumstances be filed with the Council:

Description	
Patient's Name	
Patient's Address (except zip code)	
Responsible Party Name and Address	
Insured's Name	
Insured's Certificate Number,	Social Security Number, Health
Insurance, Identification Number	
Employee Identification Number	
Remarks.	

f) Hospital Identification Number

The Medicaid identification number assigned by the Medical Assistance Program of the Illinois Department of Public Aid is the required hospital identification number and shall be recorded in field 5 on all Uniform Billing records filed with the Council. Hospitals not participating in the Medical Assistance Program shall immediately request a number be assigned by the Council. The request shall be made to the Executive Director.

- g) Self Administered Insurance Plan Identification Number
Self administered insurance plans and health and welfare funds may request an identification number from the Council. The request shall be made to the Executive Director. The identification number must be obtained and used if the plan or fund desires to obtain reports on its

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members from the Council.

h) Small Hospital Exemption

The Council shall exempt hospitals with fewer than fifty-(50) beds licensed under the Hospital Licensing Act (441 Rev. Stat., 1991, ch. 111-1/27, par. 142 et seq.) [210 ILCS 85/1 et seq.] from the filing of Uniform Billing Billing data with the Council if the Council finds that compliance would impose undue economic hardship on the hospital and if the Council determines that the data from these hospitals are not essential to its data base and its concomitant health care cost comparison efforts. In determining whether compliance will constitute an undue economic hardship the Council will consider the cost to the hospital, both in relation to initial costs to obtain the capability to generate data in this format, and the routine cost of generating such data compared to the ability of the hospital to absorb the added cost of such production. Hospitals with less than fifty-(50) beds licensed under the Hospital Licensing Act anticipating compliance to impose an undue economic hardship may file with the Council a request for an exemption. Such request must document the undue economic hardship.

i) Sample Size

Hospitals shall file the required Uniform Billing data specified in this Part for each discharge.

j) Payment for Submission of Uniform Billing Data

Beginning with the payment to be made after July 1, 1993, for hospital discharges occurring between July 1, 1992 and December 31, 1992, and payments thereafter, each hospital that has submitted ninety-five percent-(95%) correct of all discharges shall be reimbursed at a semi-annual rate of \$420-00. In the event that appropriations for the line item are inadequate, the payments will be reduced proportionately. Hospitals that do not meet the threshold percentage of correct discharges shall not be reimbursed.

k) Filing of Outpatient Surgical Billing Information with the Council

Extracts of outpatient surgical billing forms shall be prepared by hospitals and licensed ambulatory surgical treatment centers according to the following regulations.

- l) Beginning the first calendar quarter of 2001, all hospitals and licensed ambulatory surgical treatment centers shall file outpatient surgical billing discharge data with the Council or a corporation, association, or entity designated by the Council as defined in subsection (k)(3). Electronic submissions of data shall be encouraged. For both hospitals and licensed ambulatory surgical treatment centers unable to submit extracts in electronic format, the Council must determine an alternative method for submission of data. The alternative method that the Council has determined is to receive extracts in hard copy format. Hospitals or licensed ambulatory surgical treatment centers unable to submit such extracts electronically shall submit hard copy paper extracts of outpatient surgical billing

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forms. Hospitals and licensed ambulatory surgical treatment centers capable of submitting data electronically shall file with the Council using one of the acceptable magnetic formats specified in subsection (k)(2). Hospitals and licensed ambulatory surgical treatment centers unable to submit electronically shall file hard copy submissions of acceptable formats as defined in subsection (k)(2) with the Council according to the submission requirements defined in subsection (k)(3). All billing data shall have all confidential fields specified in subsection (m) below omitted before submission to the Council.

2) Data Submission Standards

A) Acceptable electronic and paper formats for submission of data can be found in Appendices F through I of this Part. The Council shall make no changes to Appendices F through I of this Part without a minimum of 30 calendar days notification to the affected hospitals and licensed ambulatory surgical treatment centers, except where errors or omissions in these appendices make impossible the submission of data.

B) Effective January 1, 2001, the data shall be submitted in records formatted as indicated in Appendices F and H of this Part or in hard copy paper extracts of outpatient surgical billing forms as indicated in Appendices G and I. Physical and logical descriptions of the media, blocks and records shall be on a 3 1/2 inch diskette or CDROM (ASCII format), 1/2 inch 9-Track Tape of 3480 cartridge. Both the 1/2 inch tape and the 3480 cartridge must be EBCDIC encoded with a blocking factor of 10. Data may also be submitted using CAPS Direct software. If paper copies of bills are submitted, confidential elements must be omitted as defined in subsection (m).

C) Revisions of data originally filed must be resubmitted in the same format as the original submission, unless otherwise agreed to by the agency, and include all required data elements for each record changed.

D) The data elements described in Appendices F through I of this Part form a record for each patient.

E) All claims transactions submitted to the Council must be labeled with at least the following information:

Facility ID#
Facility Name
Facility City
Service Bureau (if applicable)
Indicate "outpatient"
If appropriate, mark media "test" or "PKzip file"

The Council may change the format and content of the label

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from time to time within limits that do not impair consistency with the content enumerated above, but in no case shall reject submissions using an obsolete label without at least 30 calendar days notice to the affected facilities.

F) The actual total number of hospital and licensed ambulatory surgical treatment center outpatient discharges with a surgical procedure for a calendar month, as defined in Section 2500.20, shall be reported using the Council's automated systems.

G) Using record formats as defined in this Part, the Council will allow for the submission of outpatient surgery claims data by electronic transmission as the preferred data submission mechanism for hospitals and licensed ambulatory surgical treatment centers. The Council shall make no changes to the submission standards without a minimum of 30 calendar days notification to the affected hospitals and licensed ambulatory surgical treatment centers except where errors or omissions in Appendices F and H make impossible the submission of data.

3) From January 1, 2001 through December 31, 2002, hospitals and licensed ambulatory surgical treatment centers shall file complete and accurate outpatient surgical billing data to the Council as follows:

A) Surgical billing data for at least 60% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for first and second quarter 2001.

B) Surgical billing data for at least 70% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for third and fourth quarter 2001.

C) Surgical billing data for at least 80% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for first and second quarter 2002.

D) Surgical billing data for at least 90% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for third and fourth quarter 2002.

E) For quarters beginning with January 1, 2003, hospitals and licensed ambulatory surgical treatment centers shall file complete and accurate outpatient surgical billing data for at least 95% of all discharges within 60 calendar days after the last day of the calendar month in which the patient was discharged or died. The complete and accurate outpatient surgical billing data for the remaining 5% of all discharges must be filed within 90 calendar days after the last day of

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the calendar month in which the patient was discharged or died. Prior to the close of the 90 day submission period, hospitals and licensed ambulatory surgical treatment centers will be required to correct any outpatient surgical billing data submission errors identified by the Council.

1) Required Billing Data

The Council, in cooperation with the State Departments of Public Aid, Insurance, and Public Health, shall establish a system for the collection of information for each outpatient surgery performed utilizing the raw data available on outpatient surgical billing forms submitted by hospitals and licensed ambulatory treatment centers to payors. Such data shall be filed for every outpatient surgery discharge regardless of payor and shall include the billing data fields coded according to the Council's requirements as found in Appendices F and H of this Part.

m) Confidential Billing Data

The following billing data fields have been determined to be confidential by the Council and shall not under any circumstances be filed with the Council:

Description

Patient's Name

Patient's Address (except zip code)

Responsible Party Name and Address

Insured's Name

Insured's Certificate Number, Social Security Number, Health

Insurance, Identification Number

Employee Identification Number

Remarks

n) Facility Identification Number

The Medicaid identification number assigned by the Medical Assistance Program of the Illinois Department of Public Aid is the required hospital and licensed ambulatory surgical treatment center facility identification number on all outpatient surgical billing records filed with the Council. Hospitals and licensed ambulatory surgical treatment centers not participating in the Medical Assistance Program shall be issued a facility identification number by the Council.

o) Self Administered Insurance Plan Identification Number

Self administered insurance plans and health and welfare funds may request a self administered insurance plan identification number from the Council.

p) Outpatient Provider Exemption

Upon Council approval, exemptions from the outpatient data filing requirements of this Part may be granted if the hospital or licensed ambulatory surgical treatment center proves to the Council's satisfaction that these requirements would impose undue economic hardship and if the Council determines that the data submitted from

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those hospitals and licensed ambulatory surgical treatment centers are not essential to the Council's database and its concomitant health care comparison efforts.

q) Sample Size

Hospitals and licensed ambulatory surgical treatment centers shall file the required outpatient surgical billing data specified in this Part for each outpatient surgery discharge.

r) Payment for Submission of Outpatient Billing Data

Beginning with the payment to be made after July 2001 for ambulatory surgical discharges occurring as of January 1, 2001 and payments thereafter, each hospital and licensed ambulatory surgical treatment center that submitted complete and accurate abstracts of all outpatient surgery discharges reported each month as defined in subsection (k)(3) shall be reimbursed at a semiannual rate of \$525. In the event that appropriations for the line item are inadequate, the payments will be reduced proportionately. Hospitals and licensed ambulatory surgical treatment centers that do not meet the data submission threshold shall not be reimbursed.

(Source: Amended at 25 Ill. Reg. 1.13, effective JAN 1 2001)

Section 2510.55 Report of Inpatient Discharges

a) Effective within thirty (30) days after of the effective date of this Section, each hospital shall provide, in writing to the Executive Director, a list by calendar month of the total number of hospital inpatient discharges including new born discharges for the calendar months of April 1985 through December 1986 (in the case of multiple births, each child is counted as a discharge).

b) Effective with the filing of Uniform Billing discharge data on or after the effective date of this Section each hospital shall be required to file with each submission of data, the transmittal form as defined by the Council pursuant to the authority given in Section 2510.50(c)(2)(E) and (F).

c) Effective beginning with calendar month January 1989, each hospital shall, within 30 calendar days following the last day of a calendar month, submit the actual total number of hospital inpatient discharges for that calendar month as defined by the Council pursuant to the authority given in Section 2510.50(c)(2)(E) and (F).

d) A hospital may submit the actual number of hospital inpatient discharges either in conjunction with or separately from the submission of Uniform Billing discharge data as defined by the Council pursuant to the authority in Section 2510.50(c)(2)(E) and (F).

e) Effective 30 calendar days after February 1, 2001 and beginning with calendar month January 2001, each hospital and licensed ambulatory surgical treatment center shall, within 30 calendar days following the

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last day of each calendar month, submit the actual total number of hospital and licensed ambulatory surgical treatment center outpatient discharges with a surgical procedure for that calendar month as defined in 77 Ill. Adm. Code 2500.20 and Section 2510.50(k)(2)(F) of this Part.

(f) All filings required in subsections (a) through (e) ~~of this Part~~ shall be reported using the Council's automated systems. ~~sent to:~~

~~Illinois Health-Care-Cont-Containment-Council~~
~~Attention: Field-Operations~~
~~4500-South-Sixth-Street-Road-Suite-215~~
~~Springfield, Illinois-62703-5110~~

(Source: Amended at 25 Ill. Reg. ~~2510.50(F)~~, effective ~~12/1/84~~)

Section 2510.60 Quarterly Reports

The Council shall require and the designated corporation, association or entity, if applicable, shall prepare quarterly basic reports in the aggregate on health care costs and utilization and trends in Illinois. The Council shall provide these reports to the public, if requested. These shall include, but not be limited to, comparative information on average charges, total and ancillary charge components, length of stay on diagnosis specific and procedure specific cases, and number of discharges, compiled in aggregate by hospital, by licensed ambulatory surgical treatment center, by diagnosis, and by primary payor category.

(Source: Amended at 25 Ill. Reg. ~~2510.60(F)~~, effective ~~12/1/84~~)

Section 2510.70 Special Studies and Analysis

- a) In addition to the quarterly reports, the Council shall respond to requests by agencies of government and organizations in the private sector for special studies and analysis (hereafter referred to as a "compilation of data") collected pursuant to Sections 2510.30 and 2510.50 of this Part.
- b) For purposes of this Part, a compilation of data is defined as a magnetic tape, diskette, CD-ROM, cartridge, or a hard copy report containing selected non-confidential data elements.
- c) The Council shall not release any information for special studies and analysis which is not permitted to be released for other purposes by the Act. No patient identifiable information shall be released. No hospital specific financial information shall be released except as provided in Section 2510.30 of this Part. Only the information which can be released under the requirements of the Act shall be released. Special studies and analysis shall not be subject to the Freedom of Information Act.

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d) All requests for compilations of data shall be made in writing to the Executive Director. The written request shall at least contain the name, address, and telephone number of the requester; a description of the requested compilation of data; a short, plain statement of the reason for the request; and the relationship of the requested compilation to a legitimate purpose; and an identification of the parties to whom data requesters intend to re-release and/or sell the requested data (or any subset thereof) and the format of such re-release or sale. A "legitimate purpose" is a purpose consistent with the intent, policies, and purposes of the Act.

e) The Council shall review each request for a compilation of data and determine whether to approve or deny the request. The Council shall notify the public of requests made for compilations by listing the requester, and providing a short description of the request on its official meeting agenda. Such requests shall be approved only by the vote of a majority of the members of the Council who shall designate the form in which the information shall be made available. The approval or denial by the Council of requests for compilations of data shall be within the discretion of the Council. The Council may deny a request for a compilation of data for reasons including, but not limited to, unavailability of data; the requested compilation of data is already available from the Council or another source; the requested compilation of data would endanger patient confidentiality; or the request is not related to a legitimate purpose. No person or group may request such compilation of data concerning another person or group.

f) The Council shall notify the requester in writing of its decision. Denial of a request shall include a brief explanation of the reason for the denial. If a request is approved, delivery of the data shall be subject to receipt by the Council of a signed confidentiality and release agreement in form and substance satisfactory to the Council.

g) The Council shall also determine a fee to be charged to the requesting entity which will cover at a minimum the direct and indirect costs of acquiring the information and of developing and producing the data product reports or special analyses. The Council shall establish prices by rule (see subsection Section--2510-70(g)(4) (5)) for each category of purchasers for each product and for the various terms under which such purchasers may wish to acquire products.

1) Definition of Terms

A) Public Release Product

Products which the Council has determined may be released by staff without specific Council action on each order are referred to as Public Release Data Products. These products are said to be "ordered" by the customer.

B) Controlled Release Product

Products which the Council has determined may not be released by staff without specific Council action on each order are to be referred to as Controlled Release Data

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Products. These products are said to be "applied for" by the customer.

- C) Data Products are to be made available in units covering a time period to which the data are applicable. Orders, applications, prices and release conditions shall be specific to the unit of product concerned. Unit or product for Public Dataset, Universal Dataset, and Research Oriented Dataset shall be calendar quarter. Unit of product for the Patient Origin Dataset shall be calendar year.

D) Purchase

Data Products may be acquired for the single purpose and for the sole use of the ordering or applying entity. The Council filling an order or granting an application to a given entity shall be construed as giving permission for use only for the unit of product requested and, in the case of Controlled Release products, only for the purposes originally applied for. In granting such approval, the Council shall not be construed as giving permission for the ordering or applying entity to use the data released on behalf of any client, member, organization or other entity not specified in the original order or application.

E) License

When Council may grant applications from corporations, vendors, or other organizations who wish to be licensed to acquire Council data and to release the information therein or derived therefrom to third parties, in the case of such license, the Council will grant explicit right to re-release, excluded in subsection (g)(1)(B), purchase above, licenses will be granted for specific purposes and classes of potential customers of the customer. Granting of a license for one purpose or one class of licensee shall not be construed as permission to release information to any other class of customer or for any other purpose. Licensees shall bear the burden of reasonable costs for the auditing of their accounts by the State or its agent for the purpose of ascertaining whether the terms of the license have been complied with.

2) Council Data Product Categories

A) Public Release Products

For the purposes of this Part, the Public Dataset, Patient Origin Dataset, and Custom Reports or DataSets based upon them are to be regarded as Public Release Products.

B) Controlled Release Products

For the purposes of this Part, the Universal Dataset, Research Oriented Dataset, and Custom Reports or DataSets based upon them are to be regarded as Controlled Release Products.

3) Categories of Purchasers/Licensees and the Terms of Payment

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A) Category I: Commercial

Any corporation, association, coalition, person, entity or individual, regardless of whether that individual would also fit any of the other categories listed in this subsection (g)(3), that resells or redistributes any of the data or products (or any subset thereof) obtained from the Council for any revenue is engaged in commercial use of the data or products and shall pay for the data or products at the commercial-reselling rate. Any corporation, association, coalition, person, entity or individual seeking to obtain data or products (or any subset thereof) from the Council is presumed to be acquiring the data or products for a commercial use unless the requestor can prove otherwise to the satisfaction of the Council. If non-commercial use is proven to the satisfaction of the Council, the requestor shall be classified into Category II through Category V for the purpose of fee determination.

B) Category II Category---f: Private and For-Profit Organizations

Corporations, associations, coalitions, and other entities which are not chartered by the State or Federal government governments to fulfill general or specific government functions and which function in whole or in part for the benefit of the owners, members, or sponsors of the corporation or organization shall fall into this category. Such purchasers and applicants shall pay the full price set by the Council for the unit of product concerned.

C) Category III Category---ff: Illinois General Assembly and the Executive Office of the Governor

In consideration of the public information mandate of the Council and the contribution of the General Revenue Fund to the activities of the Council, this category of purchaser shall receive Council reports and data products free of charge.

D) Category IV Category---fff: Illinois Government and Educational Institutions Education

Other units of Illinois State government, Illinois county and local government, and Illinois public and private as well as State-run educational institutions shall be deemed to fall into this category. They shall be granted a 50% discount from the rate made above for category I customers. An exception to this policy is that State of Illinois agencies (IDPA, IDPH, IDOI, etc.) shall receive existing agency data products free of charge. All other requests made by State or Illinois agencies will not be free but shall be subject to the 50% discount. Other exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity entered under

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subsection (g)(9)(B). When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

E) Category V Category--IV: Non-Illinois Other Government, Non-Profit Educational Institutions Education, All and The Federal government, governments of other states state, and other political subdivisions outside of the State of Illinois, non-Illinois private educational institutions, all and non-profit organizations, and all graduate students requesting data for research purposes corporations shall be deemed to fall into this category. they shall be granted a 25% discount--from--the--rate--made--above--for--Category--I customers: Non-profit organizations corporations that which purchase data materials or license:

(i) on behalf, either in whole or in part, or

(ii) for the substantial benefit, of for-profit entities shall not be deemed to be included in this category. Rather, such entities will be included in Category I. Exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity entered under subsection (g)(9)(B). When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

B) Category V--Hospital-Data-Requests

Illinois hospitals requesting access to final edited claims information from the Council for purposes other than the hospital review process as required by statute, rule, and agreement, may purchase this data from the Council. Prices for hospitals--for--other products shall be as put forth for Category II, except in cases in which other agreements may be in place.

The Council, acting upon the evidence presented, shall determine the category in which any given customer shall be placed.

F) Category VI: Hospitals

Illinois hospitals requesting access to final edited claims information from the Council, for purposes other than the hospital review process as required by statute, rule, and agreement, may purchase this data from the Council. Prices for hospitals for these other products shall be as put forth for Category II, except in cases in which other agreements may be in place.

If such non-commercial use is proven to the satisfaction of the Council, the requestor shall be classified into Category II through Category V for the purposes of fee determination. The Council, acting upon the evidence presented and the completion of all questions on the data subscription request form, shall determine the category in which any given

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customer shall be placed.

4) Volume Discounts

the--Council--shall--provide--for--a--25% discount--if--a--total--of--4 quarters--are--ordered--or--applied--for--in--the--case--of--products--for which--the--unit--of--product--is--a--calendar--quarter.

45) Category I Prices

Subject--to--discounts--as--set--forth--in--subsections--(g)(3)--and (g)(4)--above--customers Customers shall pay all or part of the class--I fees set forth in the table below in accordance with the customer's category as outlined in subsection (g)(3).

Product	Category I-Price
Public-Dataset-(Type)	\$1,500/quarter
Public-Dataset-(Basket/Region)	\$750/Region
Universal-Dataset	\$2,000/quarter
Research-Oriented-Dataset	\$3,000/quarter
Patient-Origin-Dataset	\$450/calendar-year
Hospital-Data-Requests	\$500/quarter
DRG-Analyst	\$800/quarter

PRICE	PRICE	PRICE
PER QUARTER	PER QUARTER	PER YEAR

Category I - Commercial

Product: Public Dataset	\$3,000	\$ 9,000
Product: Universal Dataset	\$6,000	\$18,000
Product: DRG Analyst	\$2,400	\$ 7,200

Category II - Private and For-Profit Organizations

Product: Public Dataset	\$2,000	\$6,000
Product: Universal Dataset	\$3,000	\$9,000
Product: DRG Analyst	\$ 800	\$2,400
Product: Quarterly Reports	\$ 100	\$ 300

Category III - Illinois General Assembly and the Executive Office of the Governor

Product: Public Dataset	Free	Free
Product: Universal Dataset	Free	Free
Product: Research Oriented Dataset	Free	Free
Product: Quarterly Reports	Free	Free

Category IV - Illinois Government and Educational Institutions

Product: Public Dataset	\$ 75	\$225
Product: Universal Dataset	\$100	\$300

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Product:	Research Oriented DataSet	\$200	\$600
Product:	State Inpatient DataSet	---	\$400
Product:	DRG Analyst	\$ 50	\$150
Product:	Quarterly Reports	\$ 30	\$ 90

Category V - Non-Illinois Government, Non-Illinois Educational Institutions, All Non-Profit Organizations, and All Graduate Students

Product:	Public DataSet	\$1,500	\$4,500
Non-Profit		\$ 300	\$ 900
Non-IL Gov/Ed		\$ 20	\$ 60
Grad Students			

Product:	Universal DataSet	\$2,000	\$6,000
Non-Profit		\$ 400	\$1,200
Non-IL Gov/Ed		\$ 25	\$ 75
Grad Students			

Product:	Research Oriented DataSet	\$ 500	\$1,500
Non-IL Gov/Ed		\$ 50	\$ 150
Grad Students			

Product:	State Inpatient DataSet	---	\$800
Non-Profit		---	\$800
Non-IL Gov/Ed		---	\$200
Grad Students			

Product:	DRG Analyst	\$600	\$1,800
Non-Profit		\$200	\$ 600
Non-IL Gov/Ed		\$ 15	\$ 45
Grad Students			

Product:	Quarterly Reports	\$75	\$225
Non-Profit		\$70	\$210
Non-IL Gov/Ed		\$10	\$ 30
Grad Students			

56) Use for Additional Purpose Requires Additional Approval and Fee. The prices and discounts set forth in this Part pertain to all applications for use as specified in the data subscription request form. A purchaser having once paid the appropriate fee for a particular one use must re-apply for use for any other purpose and make payment as shown in this Part for the additional use.

57) Revisions in Pricing. The Council will, from time to time, examine and may modify the

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prices set forth in this Part. All data products for the discharge time periods 1987 and beyond shall be priced according to this Part.

20) Payment Terms

Payment by check or money order is required at the time the order or application is filed with the Council. The Council shall refund payments to applicants to which the Council votes not to release the data which were applied for.

89) Council Not Required to Perform Studies

While this Part allows for applicants to request specific file formats and report layouts, the Council shall not accept applications to provide such unless it deems that it is in the best interest of the Council to do so, and analysis shall be provided by the Council only when appropriate.

90) Special Data Request Fee Structure

Data requests accepted by the Council will be processed as follows:

A) Simple Requests

These are "no fee" inquiries that take less than three hours to complete, are reasonable in length and can be retrieved by staff from existing reports on their computers. Subject to other resource constraints, such requests shall be completed for consumers for personal use and for commercial entities as a one-time report.

B) Complex Requests

These are "for fee" inquiries that exceed guidelines for Simple Requests, require programmer time to extract the information requested and are subject to other resource constraints. A \$50 non-refundable application fee must be submitted with each application. The \$50 application fee will be deducted from the final cost of the data should the applicant agree to accept IHCCC's charge proposal. The Council may grant exceptions to this policy when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity. In addition, discounts to the charges assessed requesters of this set of service will apply with these set forth in subsections 91(3) and 91(4) above. The charges for compiling the data will be based on the resources required to produce the request and are based on the table below.

Resources	Hours/Units	Cost Per Hour
Programming	1-5	\$100 \$-00
Research	1	\$ 62 \$-50
Administrative	1	\$ 25 \$-20

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Media* 1 \$ 12 \$-10
 CPU Usage** 1 \$320 \$255

*Media: 1 unit=diskettes, CD-ROM, cartridge, tape
 **CPU: 1 unit=CPU seconds to process 1 quarter of data
 (approximately 0.75 million records)

11) Licensing Standards and Procedures

Pursuant to subsection (g)(4)(B) above, the Council may grant licenses to entities wishing to re-release data acquired from the Council or information derived therefrom. Such licenses are to be given for specified products and units of product. Licenses shall also be specific as to the purpose for which the data will be used by the licensee and those third parties to whom the licensee anticipates re-releasing information. Licenses for controlled release products shall be specific as to the class of third parties to whom the licensee may release the information. Having been granted permission for one product, unit of product, purpose or class of customer/third party, a licensee will need to re-apply and make additional payment for additional products, units of product, purposes and classes of customers. In addition, for each product for which permission is granted, the licensee shall cite the Council as the source of the data and indicate to each customer (third party purchaser) how datasets in part or in full can be obtained directly from the Council.

A) Fee Basis

Licenses shall be granted for a base fee to be paid by the licensee regardless of the number of third parties to whom the licensee intends to release the information as well as per customer fee for each customer. At the time of application for license, the prospective licensee shall state who the prospective customers are and pay the base fee and per customer fees known at the time of application. Subsequently, the licensee shall pay the per customer fee to the Council in advance of releasing information to the customer for each customer to whom the licensee releases information.

B) Public and Controlled Release Licenses

Licenses of Public Release Products may make the release to third parties contingent only upon making payment to the Council and good standing with the Council in performance of stipulated responsibilities in the license agreement. Licenses of Controlled Release Products must also have advance Council permission for release to each individual customer, unless otherwise agreed to by the Council in the license agreement. In addition, re-release of partial HCGEE datasets will be considered by the Council on a case-by-case basis.

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E) Per-Customer Fees by Product
 Per-Customer Fees will be the greater of:
 i) 20% of the licensee's gross receipts, or
 ii) 20% of the Council's selling price for such data to the licensee.
 Per-customer fees shall not be subject to discounts as set forth in subsections (g)(3) and (g)(4) above.

12) Revisions in License Fees

The Council will, from time to time, examine and may modify the fees set forth in this Part.

A) On the effective date of this rulemaking, all licenses for the discharge time periods of 1987 through 1991 shall have the prices as set forth in this Part.

B) The Council shall make fee changes for subsequent calendar years coincident with availability of data for the first quarter of the newest calendar year.

E) Fees set for the newest calendar year shall not apply to licenses already in force for prior discharge years.

h) Basis of Charge for Other Services and Products of the Council

1) Inpatient Discharge Data Quarterly Reports

A) The hardcopy version of these reports is to be made available on an annual (four quarter) subscription basis for \$75. Requests for all or part of quarterly reports which are made on an ad-hoc as opposed to subscription basis shall be filled at a charge of \$25 per quarter.

B) The diskette version of these reports is to be made available on an annual (four quarter) subscription basis for \$25. Requests for all or part of quarterly reports which are made on an ad-hoc as opposed to subscription basis shall be filled at a charge of \$75 per quarter.

E) Only the Category III discount to the Office of the Governor and the General Assembly is to be applied to these products.

12) Seminars, Colloquia, and Other Meetings

In order to offset the costs of presenting informational programs to the public and to Council constituencies, the Council may charge a fee to participants covering the reasonable costs of presentation materials and equipment, guest presenters expenses, travel expenses of Council Staff, and meeting facilities. At the request of participants, the Council may also negotiate group rates for accommodations and amenities at such meetings and pass the cost and overhead along to participants in the fee charged for attendance.

23) DRG Analyst

All categorical prices and annual discounts shall apply to this product.

34) Other Services and Products

To the extent that the General Assembly appropriates to the Council from the Special Studies Revolving Fund moneys sufficient

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to perform other services and provide other products not conflicting with the intent of the Health Finance Reform Act and this Chapter XI Administrative Rules, the Council may provide such products and services for a fee. The fees to be assessed shall be reasonable in view of the value of services performed, shall be collected by methods and procedures approved by the Executive Director, and shall cover the full cost of providing the goods and services.

(Source: Amended at 25 Ill. Reg. 801.7, effective JAN 19 2001)

Section 2510.80 Confidentiality

- a) All steps necessary under State and Federal law to protect patient confidentiality shall be undertaken by the Council to prevent the identification of individual patient records. The Council will assure the confidentiality of patient records when gathering and submitting data to the Council or designated corporation, association or entity.
- b) Information filed with the Council or designated corporation, association or entity by hospitals or licensed ambulatory surgical treatment centers pursuant to this Part shall be privileged and confidential, and shall not be disclosed in any manner unless otherwise permitted or required by law. The foregoing includes, but shall not be limited to, disclosure, inspection or copying under the Freedom of Information Act [5 ILCS 140], the State Records Act [41a Rev. Stat. 1983, ch. 116, pars. 43-4 et seq.] [5 ILCS 160] and Section 404(1) of the Illinois Insurance Code [215 ILCS 5/404(1)] [41a Rev. Stat. 1983, ch. 73, par. 1016-1017]. However, the prohibitions stated in this Section shall not apply to the quarterly reports of the Council or the provider data verification process provided for under the Act and developed pursuant to Section 2510.60 of this Part and those data elements specified in Section 2510.30(d) of this Part.

(Source: Amended at 25 Ill. Reg. 801.7, effective JAN 19 2001)

Section 2510.90 Provider Hospital Review

- a) Prior to the close of a quarter, the Council shall provide a copy of that quarter's data, upon request of the hospitals and licensed ambulatory surgical treatment centers, at no charge. The requested data shall be provided in an electronic or paper format that is compatible to that submitted by the hospital or licensed ambulatory surgical treatment center, upon their request with access to magnetic media at no charge containing a record for each record submitted by the hospital residing on the Council's database as of the closing of a

NOTICE OF ADOPTED AMENDMENTS

- b) During the period in which review of a closed quarter's data is conducted, the Council shall provide hospitals and licensed ambulatory surgical treatment centers with either Requests shall be made by the hospital for a this machine readable or paper aggregation copy of their data, together with derived elements for review, at any time during the period in which review of a closed quarter's data is conducted in the Council's collection process. The Hospitals and licensed ambulatory surgical treatment centers hospital shall have 10 ten business days after from the date of the receipt of the requested machine-readable data at the hospital to review said data and file comments with the Council. Following closure of a quarter's submission time frame, the data submitted by hospitals and licensed ambulatory surgical treatment centers shall not be subject to change. However, errors in Council-derived fields shall be open for change in accordance with conditions and practice established between hospitals, licensed ambulatory surgical treatment centers and the Council.
- c) Hospitals and licensed ambulatory surgical treatment centers shall be assessed a charge if they elect to use the Council-derived data elements for a purpose other than verification of the accuracy of the Council's data reports and releases. This charge shall be the same as that established in Section 2510.70 of this Part by the Council for all purchases of such data.

(Source: Amended at 25 Ill. Reg. 801.7, effective JAN 19 2001)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510.APPENDIX F Ambulatory Surgical Magnetic Media Record Format
Option 1/UB92 Form

Public-Act--89-554--authorizes--the--implementation--of--a--pilot--study--and--a--field
test--of--the--Council's--Ambulatory--Surgical--Data--Collection--System--All
Hospitals--and--Ambulatory--Surgical--Treatment--Centers--in--Health--Service--Area--XI
are--participating--in--the--pilot--study--All--Hospitals--must--use--the--following
format--for--submission--to--the--Council--beginning--February--27--1997--Ambulatory
Surgical--Treatment--Centers--may--use--either--Option--1/UB92--Form--or--Option--2/1500
Form--depending--upon--their--method--of--billing--the--same--submission--format--will
be--followed--for--those--Hospitals--and--Ambulatory--Surgical--Treatment--Centers
selected--to--be--part--of--the--field--test--beginning--July--17--1997.

HEADER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAID ID OR IHCCCC ASSIGNED NUMBER	1 12	12	A	
2	PROVIDER NAME	13 52	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53 92	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
4	PROVIDER CITY	93 112	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113 117	5	A	
6	CONTACT PERSON	118 157	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
7	TELEPHONE NUMBER	158 167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168 173	6	N	MMDDYY
9	LAST DAY	174 179	6	N	MMDDYY
10	SURGICAL SITE ID	180 181	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
11	FILLER	182 800	619	A	BLANK FILL

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

Public-Act--89-554--authorizes--the--implementation--of--a--pilot--study--and--a--field
test--of--the--Council's--Ambulatory--Surgical--Data--Collection--System--All
Hospitals--and--Ambulatory--Surgical--Treatment--Centers--in--Health--Service--Area--XI
are--participating--in--the--pilot--study--All--Hospitals--must--use--the--following
format--for--submission--to--the--Council--beginning--February--27--1997--Ambulatory
Surgical--Treatment--Centers--may--use--either--Option--1/UB92--Form--or--Option--2/1500
Form--depending--upon--their--method--of--billing--the--same--submission--format--will
be--followed--for--those--Hospitals--and--Ambulatory--Surgical--Treatment--Centers
selected--to--be--part--of--the--field--test--beginning--July--17--1997.

LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB92 ITEM	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	PATIENT DATE OF BIRTH	14	1 8	8	N	MMDDCCYY
2	PATIENT SEX	15	9 9	1	A	
3a	PATIENT ZIP CODE	13	10 14	5	N	UNKNOWN=00000 FOREIGN=99999
3c	ZIP PLUS 4	13	15 18	4	A	OPTIONAL, BLANK FILL IF NO NUMBER
4a	1ST INDIVIDUAL PAYER ID NUMBER	50a	19 27	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
4c	2ND INDIVIDUAL PAYER ID NUMBER	50b	28 36	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
4e	3RD INDIVIDUAL PAYER ID NUMBER	50c	37 45	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	DATE OF ADMISSION	17	46 51	6	N	MMDDYY
6	SOURCE OF ADMISSION	20	52 52	1	N	
7	TYPE OF ADMISSION	19	53 53	1	N	
8a	TYPE OF BILL	4	54 56	3	N	
8c	DISCHARGE DATE	6	57 62	6	N	MMDDYY
9a	PRINCIPAL DIAGNOSIS	67	63 68	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9c	1ST OTHER DIAGNOSIS	68	69 74	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL

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6a	2ND OTHER	69	80	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
7a	3RD OTHER DIAGNOSIS	70	86	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
8a	4TH OTHER DIAGNOSIS	71	87	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9a	5TH OTHER DIAGNOSIS	72	93	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
10a	6TH OTHER DIAGNOSIS	73	104	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
11a	7TH OTHER DIAGNOSIS	74	110	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
12a	8TH OTHER DIAGNOSIS	111	116	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
13a	9TH OTHER DIAGNOSIS	117	117	1	H	USE 9 FOR ICD-9- CM PROC. USE 8 FOR CPT PROC.
14a	10TH OTHER DIAGNOSIS	118	124	6	A	ICD-9-CM:99V99b: CPT:99999999:LEFT JUSTIFY,SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
15a	11TH OTHER DIAGNOSIS	125	130	6	N	MMDDYY
16a	12TH OTHER DIAGNOSIS	131	131	6	N	RIGHT JUSTIFY, ZERO FILL LEFT
17a	1ST OTHER PROCEDURE	132	133	6	A	ICD-9-CM:99V99b: CPT:99999999:LEFT JUSTIFY,SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
18a	2ND OTHER PROCEDURE	140	145	6	N	MMDDYY

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19a	3RD OTHER PROCEDURE	146	152	7	A	ICD-9-CM:99V99b: CPT:99999999:LEFT JUSTIFY,SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
20a	4TH OTHER PROCEDURE	153	156	7	A	MMDDYY
21a	5TH OTHER PROCEDURE	157	161	7	A	ICD-9-CM:99V99b: CPT:99999999:LEFT JUSTIFY,SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
22a	6TH OTHER PROCEDURE	162	178	7	A	MMDDYY
23a	7TH OTHER PROCEDURE	179	184	7	A	ICD-9-CM:99V99b: CPT:99999999:LEFT JUSTIFY,SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
24a	8TH OTHER PROCEDURE	185	186	7	A	MMDDYY
25a	9TH OTHER PROCEDURE	187	194	7	A	ICD-9-CM:99V99b: CPT:99999999:LEFT JUSTIFY,SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
26a	10TH OTHER PROCEDURE	195	201	4	N A	RIGHT JUSTIFY, ZERO FILL LEFT Space or Zero fill
27a	11TH OTHER PROCEDURE	202	203	4	N A	RIGHT JUSTIFY, ZERO FILL LEFT Space or Zero fill
28a	12TH OTHER PROCEDURE	204	210	10	N A	MMDDYY RIGHT JUSTIFY, ZERO FILL LEFT Space or Zero fill

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENT(S)

12b	END REVENUE-CODE FILLER 42b	219	222	4	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
14b	UNITS-OF-SERVICES FILLER 46b	229	229	7	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
15b	CHARGES FILLER	47b	230	239	10	N A	69484999-MAY BE-NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL-LEFT, WHEN INCLUDING SIGN, USE ZONED-DECIMALS REPRESENTATION BLANK FILL
13c	3RD REVENUE-CODE FILLER 42c	240	243	4	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
14c	UNITS-OF-SERVICES FILLER 46c	244	250	7	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
15c	CHARGES FILLER	47c	251	260	10	N A	69484999-MAY BE-NEGATIVE (CREDIT), RIGHT JUSTIFY, ZERO FILL-LEFT, WHEN INCLUDING SIGN, USE ZONED-DECIMALS REPRESENTATION BLANK FILL
13d	4TH REVENUE-CODE FILLER 42d	261	264	4	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
14d	UNITS-OF-SERVICES FILLER 46d	265	271	7	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
15d	CHARGES FILLER	47d	272	281	10	N A	69484999-MAY BE-NEGATIVE

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NOTICE OF ADOPTED AMENDMENT(S)

12b	END REVENUE-CODE FILLER	42b	285	4	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
14b	UNITS-OF-SERVICES FILLER	46b	286	7	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
15b	CHARGES FILLER		47b	306	10	N A	69484999-MAY BE-NEGATIVE CREDIT, RIGHT JUSTIFY, ZERO FILL-LEFT, WHEN INCLUDING SIGN, USE-ZONED-DECIMALS REPRESENTATION BLANK FILL
13c	3TH REVENUE-CODE FILLER	42c	307	4	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
14c	UNITS-OF-SERVICES FILLER	46c	307	7	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill	
15c	CHARGES FILLER	47c	314	323	10	N A	69484999-MAY BE-NEGATIVE CREDIT, RIGHT JUSTIFY, ZERO FILL-LEFT, WHEN INCLUDING SIGN, USE-ZONED-DECIMALS REPRESENTATION BLANK FILL
13g	7TH REVENUE-CODE FILLER	42g	324	327	4	N A	RIGHT JUSTIFY, ZERO-FILL-LEFT Space or Zero fill

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NOTICE OF ADOPTED AMENDMENT(S)

14g	WHITE-OUT FILLER	46g	328	334	7	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14j	CHARGES FILLER	47g	335	344	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
13h	WHITE-OUT FILLER	42h	345	340	4	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14h	WHITE-OUT FILLER	46h	349	355	7	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
15h	WHITE-OUT FILLER	47h	356	365	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
13i	9TH REVENUE-CODES FILLER	42i	366	369	4	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14i	WHITE-OUT FILLER	46i	370	376	7	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14j	CHARGES FILLER	47j	377	386	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill

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NOTICE OF ADOPTED AMENDMENT(S)

14j	WHITE-OUT FILLER	46j	391	397	4	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14k	WHITE-OUT FILLER	46k	407	407	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14l	WHITE-OUT FILLER	46l	412	412	7	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14m	WHITE-OUT FILLER	46m	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14n	WHITE-OUT FILLER	46n	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14o	WHITE-OUT FILLER	46o	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14p	WHITE-OUT FILLER	46p	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14q	WHITE-OUT FILLER	46q	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14r	WHITE-OUT FILLER	46r	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14s	WHITE-OUT FILLER	46s	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14t	WHITE-OUT FILLER	46t	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14u	WHITE-OUT FILLER	46u	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14v	WHITE-OUT FILLER	46v	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14w	WHITE-OUT FILLER	46w	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14x	WHITE-OUT FILLER	46x	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14y	WHITE-OUT FILLER	46y	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill
14z	WHITE-OUT FILLER	46z	414	414	10	N A	RIGHT-JUSTIFY, ZERO-FILL-LEFT Space or Zero fill

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NOTICE OF ADOPTED AMENDMENT(S)

13o	15TH REVENUE CODE FILLER42o	492	495	4	N A	RIGHT JUSTIFY ZERO FILL LEFT Space or Zero fill
14o	UNITS-OF-SERVICE FILLER46o	496	502	7	N A	RIGHT JUSTIFY ZERO FILL LEFT Space or Zero fill
15o	CHARGES FILLER	47o 503	512	10	N A	BE NEGATIVE CREDIT. RIGHT JUSTIFY. ZERO FILL LEFT. WHEN INCLUDING SIGN, USE ZONED-DECIMAL REPRESENTATION BLANK FILL
13p	16TH REVENUE CODE FILLER42p	513	516	4	N A	RIGHT JUSTIFY ZERO FILL LEFT Space or Zero fill
14p	UNITS-OF-SERVICE FILLER46p	517	523	7	N A	RIGHT JUSTIFY ZERO FILL LEFT Space or Zero fill
15p	CHARGES FILLER	47p 524	533	10	N A	BE NEGATIVE CREDIT. RIGHT JUSTIFY. ZERO FILL LEFT. WHEN INCLUDING SIGN, USE ZONED-DECIMAL REPRESENTATION BLANK FILL
13q	17TH REVENUE CODE FILLER42q	534	537	4	N A	RIGHT JUSTIFY ZERO FILL LEFT Space or Zero fill
14q	UNITS-OF-SERVICE FILLER46q	538	544	7	N A	RIGHT JUSTIFY ZERO FILL LEFT Space or Zero fill
15q	CHARGES FILLER	47q 545	554	10	N A	BE NEGATIVE CREDIT. RIGHT JUSTIFY. ZERO FILL LEFT. WHEN INCLUDING SIGN, USE ZONED-DECIMAL REPRESENTATION BLANK FILL

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NOTICE OF ADOPTED AMENDMENT(S)

15l	CHARGES <u>FILLER</u>	47l	440	449	10	<u>N A</u>	<u>Space or Zero</u> <u>fill</u> BE-NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT. WHEN INCLUDING SIGN USE ZONED-DECIMAL REPRESENTATION BLANK FILL
13m	. ii <u>REVENUE CODE FILLER</u> 42m	450	453	4		<u>N A</u>	<u>RIGHT JUSTIFY</u> <u>ZERO FILL LEFT</u> <u>Space or Zero</u> <u>fill</u>
14m	<u>UNITS OF SERVICE FILLER</u> 46m	454	460	7		<u>N A</u>	<u>RIGHT JUSTIFY</u> <u>ZERO FILL LEFT</u> <u>Space or Zero</u> <u>fill</u>
15m	CHARGES <u>FILLER</u>	47m	461	470	10	<u>N A</u>	<u>S9481V99. MAY</u> BE-NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT. WHEN INCLUDING SIGN USE ZONED-DECIMAL REPRESENTATION BLANK FILL
13n	14TH <u>REVENUE CODE FILLER</u> 42n	471	474	4		<u>N A</u>	<u>RIGHT JUSTIFY</u> <u>ZERO FILL LEFT</u> <u>Space or Zero</u> <u>fill</u>
14n	<u>UNITS OF SERVICE FILLER</u> 46n	475	481	7		<u>N A</u>	<u>RIGHT JUSTIFY</u> <u>ZERO FILL LEFT</u> <u>Space or Zero</u> <u>fill</u>
15n	CHARGES <u>FILLER</u>	47n	482	491	10	<u>N A</u>	<u>S9481V99. MAY</u> BE-NEGATIVE (CREDIT). RIGHT JUSTIFY, ZERO FILL LEFT. WHEN INCLUDING SIGN USE ZONED-DECIMAL REPRESENTATION BLANK FILL

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510. APPENDIX G Ambulatory Surgical Data Fields Option 1/UB92 Form and Paper Format

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Patient Date of Birth	As stated in the Council's Provider Manual.
2	Patient Sex	As stated in the Council's Provider Manual.
3a-3b	Patient Zip Code	As stated in the Council's Provider Manual.
4a-4c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(g) and the use of these codes is required where applicable.
5	Date of Admission	As stated in the Council's Provider Manual.
6	Source of Admission	As stated in the Council's Provider Manual.
7	Type of Admission	As stated in the Council's Provider Manual.
8a	Type of Bill	As stated in the Council's Provider Manual.
8b	Discharge Date	As stated in the Council's Provider Manual.
9a-9i	Principal Diagnosis and Up to Eight Other Diagnosis Codes	As stated in the Council's Provider Manual.
10a	Principal Procedure Coding Method Used	As stated in the Council's Provider Manual.

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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10b	Principal Procedure	As stated in the Council's Provider Manual.
10c	Principal Procedure Date	As stated in the Council's Provider Manual.
11	Patient Status	As stated in the Council's Provider Manual.
12a-12j	Other Procedures and Dates	As stated in the Council's Provider Manual.
13a-13w	Filler Revenue-Codes	As stated in the Council's Provider Manual.
14a-14w	Filler Units	As stated in the Council's Provider Manual.
15a-15w	Filler Charges	As stated in the Council's Provider Manual.
16	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.
17	Provider ID Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
18	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
19a-19c	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
20a-20b	Other Physician ID Number	If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPINs are allowed for all claims.

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NOTICE OF ADOPTED AMENDMENTS

21 Surgical Site ID This two-digit number identifies the
Number outpatient surgical site location.
 This ID along with the type of bill
 will be used to identify outpatient
 claims As assigned by the Council.

22 Filler As stated in the Council's Provider
 Manual.

(Source: Amended , at 25 Ill. Reg. 2017 2, effective
 1/1/17)

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NOTICE OF ADOPTED AMENDMENTS

Section 2510.APPENDIX B Ambulatory Surgical Magnetic Media Record Format
Option 2/1500 Form

Public Act 89-554 authorizes the implementation of a pilot study and a field
test of the Council's Ambulatory Surgical Data Collection System. All
Ambulatory Surgical Treatment Centers in Health Service Area XI that submit
data using the HRA-1500 Billing Form must use the following format for
submission to the Council beginning February 27, 1997. Those Ambulatory
Surgical Treatment Centers selected to be part of the field test that submit
data using the HRA-1500 Billing Form must use the following format for
submission to the Council beginning July 17, 1997.

HEADER RECORD

DATA ELEMENT	DATA ELEMENT LOCATION	LENGTH	PICTURE	FORMAT
1	PROVIDER NAME	13	52 40	A
2	PROVIDER STREET ADDRESS	93	92 40	A
3	PROVIDER CITY	93	112 20	A
4	PROVIDER ZIP CODE	113	117 5	A
5	CONTACT PERSON	118	157 40	A
6	TELEPHONE NUMBER	138	167 10	A
7	PROVIDER COVERED	103	173 6	N
8	PROVIDER	103	173 6	N
9	PROVIDER	103	173 6	N
10	PROVIDER	103	173 6	N
11	PROVIDER	103	173 6	N
12	PROVIDER	103	173 6	N

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Section 2510.APPENDIX G Ambulatory Surgical Data Fields Option 1/UH92 Form and Paper Format

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Patient Date of Birth	As stated in the Council's Provider Manual.
2	Patient Sex	As stated in the Council's Provider Manual.
3a-3b	Patient Zip Code	As stated in the Council's Provider Manual.
4a-4c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(g) and the use of these codes is required where applicable.
5	Date of Admission	As stated in the Council's Provider Manual.
6	Source of Admission	As stated in the Council's Provider Manual.
7	Type of Admission	As stated in the Council's Provider Manual.
8a	Type of Bill	As stated in the Council's Provider Manual.
8b	Discharge Date	As stated in the Council's Provider Manual.
9a-9i	Principal Diagnosis and Up to Eight Other Diagnosis Codes	As stated in the Council's Provider Manual.
10a	Principal Procedure Coding Method Used	As stated in the Council's Provider Manual.

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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10b	Principal Procedure	As stated in the Council's Provider Manual.
10c	Principal Procedure Date	As stated in the Council's Provider Manual.
11	Patient Status	As stated in the Council's Provider Manual.
12a-12j	Other Procedures and Dates	As stated in the Council's Provider Manual.
13a-13w	<u>Filler Revenue-Codes</u>	As stated in the Council's Provider Manual.
14a-14w	<u>Filler Units</u>	As stated in the Council's Provider Manual.
15a-15w	<u>Filler Charges</u>	As stated in the Council's Provider Manual.
16	Attending Physician ID Number	Physician's state license number is the required ID number. UPINS are allowed for all claims.
17	Provider ID Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
18	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
19a-19c	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
20a-20b	Other Physician ID Number	If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPINS are allowed for all claims.

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NOTICE OF ADOPTED AMENDMENTS

21 Surgical Site ID Number
 This two-digit number identifies the outpatient surgical site location. This ID along with the type of bill will be used to identify outpatient claims As-assigned-by-the-Council.

22 Filler
 As stated in the Council's Provider Manual.

(Source: Amended at 25 Ill. Reg. 2017-2, effective 1/1/17)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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Section 2510.APPENDIX H Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Ambulatory Surgical treatment Centers in Health Service Area XI that submit data using the HCA-1500 Billing Form must use the following format for submission to the Council beginning February 27, 1997. Those Ambulatory Surgical treatment Centers selected to be part of the field test that submit data using the HCA-1500 Billing Form must use the following format for submission to the Council beginning July 1, 1997.

HEADER RECORD

DATA ELEMENT	DATA TYPE	POSITION	LENGTH	PICTURE	FORMAT
1. PATIENT ID	1	12	12	A	
2. PATIENT NAME	13	52	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
3. PROVIDER STREET ADDRESS	53	92	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
4. PROVIDER CITY	93	112	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
5. PROVIDER ZIP CODE	113	117	5	A	
6. CONTACT PERSON	118	157	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
7. TELEPHONE NUMBER	158	167	10	A	XXXXXXXXXX
8. FIRST DAY	168	173	6	N	MMDDYY
9. LAST DAY	174	179	6	N	MMDDYY
10. SURGICAL SITE ID	180	181	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
11. FILLER	182	182	1	A	BLANK FILL

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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Section 2510.APPENDIX G Ambulatory Surgical Data Fields Option 1/UB92 Form and Paper Format

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Patient Date of Birth	As stated in the Council's Provider Manual.
2	Patient Sex	As stated in the Council's Provider Manual.
3a-3b	Patient Zip Code	As stated in the Council's Provider Manual.
4a-4c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(g) and the use of these codes is required where applicable.
5	Date of Admission	As stated in the Council's Provider Manual.
6	Source of Admission	As stated in the Council's Provider Manual.
7	Type of Admission	As stated in the Council's Provider Manual.
8a	Type of Bill	As stated in the Council's Provider Manual.
8b	Discharge Date	As stated in the Council's Provider Manual.
9a-9i	Principal Diagnosis and Up to Eight Other Diagnosis Codes	As stated in the Council's Provider Manual.
10a	Principal Procedure Coding Method Used	As stated in the Council's Provider Manual.

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10b	Principal Procedure	As stated in the Council's Provider Manual.
10c	Principal Procedure Date	As stated in the Council's Provider Manual.
11	Patient Status	As stated in the Council's Provider Manual.
12a-12j	Other Procedures and Dates	As stated in the Council's Provider Manual.
13a-13w	Filler Revenue-Codes	As stated in the Council's Provider Manual.
14a-14w	Filler Units	As stated in the Council's Provider Manual.
15a-15w	Filler Charges	As stated in the Council's Provider Manual.
16	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.
17	Provider ID Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
18	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
19a-19c	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
20a-20b	Other Physician ID Number	If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPINs are allowed for all claims.

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21 Surgical Site ID This two-digit number identifies the
Number outpatient surgical site location.
This ID along with the type of bill
will be used to identify outpatient
claims as assigned by the Council.

22 Filler As stated in the Council's Provider
Manual.

(Source: Amended at 25 Ill. Reg. 2017, effective
1/1/17)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510.APPENDIX H Ambulatory Surgical Magnetic Media Record Format
Option 2/1500 Form

Public Act 89-554 authorizes the implementation of a pilot study and a field
test of the Council's Ambulatory Surgical Data Collection System. All
Ambulatory Surgical Treatment Centers in Health Service Area XI that submit
data using the HEPA-1500 Billing Form must use the following format for
submission to the Council beginning February 27, 1997. Those Ambulatory
Surgical Treatment Centers selected to be part of the field test that submit
data using the HEPA-1500 Billing Form must use the following format for
submission to the Council beginning July 17, 1997.

HEADER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAL ID OR BILL NUMBER NINE	1 12	12	A	
2	PROVIDER NAME	13 52	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53 92	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
4	PROVIDER CITY	93 112	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113 117	5	A	
6	CONTACT PERSON	118 157	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
7	TELEPHONE NUMBER	158 167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168 173	6	N	MMDDYY
9	LAST DAY	174 179	6	N	MMDDYY
10	SURGICAL SITE ID THREE	180 181	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
11	FILLER	182 182	1	A	BLANK FILL

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Section 2510. APPENDIX G Ambulatory Surgical Data Fields Option 1/UB92 Form and Paper Format

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Patient Date of Birth	As stated in the Council's Provider Manual.
2	Patient Sex	As stated in the Council's Provider Manual.
3a-3b	Patient Zip Code	As stated in the Council's Provider Manual.
4a-4c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(g) and the use of these codes is required where applicable.
5	Date of Admission	As stated in the Council's Provider Manual.
6	Source of Admission	As stated in the Council's Provider Manual.
7	Type of Admission	As stated in the Council's Provider Manual.
8a	Type of Bill	As stated in the Council's Provider Manual.
8b	Discharge Date	As stated in the Council's Provider Manual.
9a-9i	Principal Diagnosis and Up to Eight Other Diagnosis Codes	As stated in the Council's Provider Manual.
10a	Principal Procedure Coding Method Used	As stated in the Council's Provider Manual.

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10b	Principal Procedure	As stated in the Council's Provider Manual.
10c	Principal Procedure Date	As stated in the Council's Provider Manual.
11	Patient Status	As stated in the Council's Provider Manual.
12a-12j	Other Procedures and Dates	As stated in the Council's Provider Manual.
13a-13w	<u>Filler Revenue-Codes</u>	As stated in the Council's Provider Manual.
14a-14w	<u>Filler Units</u>	As stated in the Council's Provider Manual.
15a-15w	<u>Filler Charges</u>	As stated in the Council's Provider Manual.
16	Attending Physician ID Number	Physician's state license number is the required ID number. UPINS are allowed for all claims.
17	Provider ID Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
18	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
19a-19c	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
20a-20b	Other Physician ID Number	If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPINS are allowed for all claims.

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21 Surgical Site ID Number This two-digit number identifies the outpatient surgical site location. This ID along with the type of bill will be used to identify outpatient claims As assigned by the Council.

22 Filler As stated in the Council's Provider Manual.

(Source: Amended at 25 Ill. Reg. 2017-07-01, effective _____)

ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Section 2510 APPENDIX H Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form

Public Act 89-554 authorizes the implementation of a pilot study and a field test of the Council's Ambulatory Surgical Data Collection System. All Ambulatory Surgical Treatment Centers in Health Service Area X that submit data using the HEPA-1500 Billing Form must use the following format for submission to the Council beginning February 27, 1997. Those Ambulatory Surgical Treatment Centers selected to be part of the field test that submit data using the HEPA-1500 Billing Form must use the following format for submission to the Council beginning July 17, 1997.

HEADER RECORD

DATA ELEMENT	DATA DESCRIPTION	POSITION FROM TO	LENGTH	PICTURE	FORMAT
1	MEDICAL ID OR CHARGE NUMBER	1 12	12	A	
2	PROVIDER NAME	13 52	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53 92	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
4	PROVIDER CITY	93 112	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113 117	5	A	
6	CONTACT PERSON	118 157	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
7	TELEPHONE NUMBER	158 167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168 173	6	N	MMDDYY
9	LAST DAY	174 179	6	N	MMDDYY
10	SURGICAL SITE ID	180 181	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
11	FILLER	192 199	8	A	BLANK FILL

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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ILLINOIS HEALTH CARE CONTAINMENT COUNCIL

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Section 2510.APPENDIX I Ambulatory Surgical Data Fields Option 2 and Paper Format

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Medicaid ID or IHCCC Assigned Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
2	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
3	Patient Date of Birth	As stated in the Council's Provider Manual.
4	Patient Sex	As stated in the Council's Provider Manual.
5	Patient Zip Code	As stated in the Council's Provider Manual.
5b	Zip Plus 4	As stated in the Council's Provider Manual.
6a-6c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in of Section 2510.50(g) and the use of these codes is required where applicable.
7a-7b	Insurance-Group-Number	As-stated-in-the--Council's--Provider Manual--Required-where-applicable
8a-8d	Diagnosis-Codes	As--stated--in-the-Council's-Provider Manual
7a 9a	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.

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7b 9b	Referring Physician	If applicable, and if known, the physician's state license number is the required ID number. UPINs are allowed for all claims.
10	Total-Charges	As-stated-in-the--Council's--Provider Manual
11a-11f 8a-8f	From Procedure Date	As stated in the Council's Provider Manual.
12a-12f 9a-9f	Thru Procedure Date	As stated in the Council's Provider Manual.
13a-13f 10a-10f	Procedures	As stated in the Council's Provider Manual.
14a-14f 11a-11f	Diagnosis Codes	As stated in the Council's Provider Manual.
15a-15f	Charges	As--stated--in-the-Council's-Provider Manual
16a-16f 12a-12f	Filler Units	As stated in the Council's Provider Manual.
13 17	Type of Bill	As stated in the Council's Provider Manual.
14 18	Surgical Site ID Number	As assigned by the Council.
15 19	Type of Admission	As stated in the Council's Provider Manual.
16 20	Source of Admission	As stated in the Council's Provider Manual.
17 21	Discharge Status	As stated in the Council's Provider Manual.
18 22	Filler	As stated in the Council's Provider Manual.

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(Source: Amended at 25 Ill. Reg. 2011.01.05 effective

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: General Provisions
- 2) Code Citation: 77 Ill. Adm. Code 2500
- 3) Section Numbers Adopted Action
2500.10 Amendment
2500.20 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3].
- 5) Effective Date of Rulemaking: January 19, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill Reg 15393 - 10/20/00
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In definition for "outpatient surgery":
Change "Chicago, IL." to "Chicago IL".
Change ";or," to "or".
Change "Frank Lloyd Drive, P.O. Box" to "5400 Data Court".
Change "48106-0303" to "48108" and delete the redundant period.
- 12) Have all changes agreed to by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will this rulemaking replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments enhance the agency's ability to develop methods to measure stabilization of costs of hospitalization as well as utilization of services.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
217/786-7001, extension 108

The full text of the adopted amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2500
GENERAL PROVISIONS

Section
2500.10 Purpose and Objectives
2500.20 Definitions
2500.30 Gender and Number

AUTHORITY: Implementing and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3].

SOURCE: Adopted at 9 Ill. Reg. 12760, effective August 5, 1985; amended at 25 Ill. Reg. 2070.10 effective January 1, 1991.

Section 2500.10 Purpose and Objectives

Parts 2500 through 2550 are established to accomplish the general purposes of the Illinois Health Finance Reform Act [20 ILCS 2215] ~~{iii--Rev--Stat--1984 Supp--ch--iii--1/27--par--6501-i-et-seq--}~~ and in particular the stabilization of the cost of hospitalization and measurement of utilization by the achievement of the following objectives:

- a) development of measures which will increase hospital and licensed ambulatory surgical treatment center productivity and better control utilization, while continuing to provide quality health care services to all sectors of the citizenry, education and training of health care professionals, and research and development of improved and cost effective methods of treatment of ailments and management of facilities and operations;
- b) the study, recommendation and implementation of measures to contain health care costs;
- c) the encouragement of new and innovative methods of financing health care; and
- d) limitation of the increase in the cost of hospital care to no more than the rate of increase in prices in the general economy.

(Source: Amended at 25 Ill. Reg. 2070.10, effective January 1, 1991.)

Section 2500.20 Definitions

As used in this Chapter XI, 77 Ill. Adm. Code 2500 through 2550:

"Act" means the Illinois Health Finance Reform Act [20 ILCS 2215].
~~{iii--Rev--Stat--1984 Supp--ch--iii--1/27--par--6501-i-et-seq--}~~ and

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"Ambulatory Surgical Treatment Center" or "ASTC" has the meaning ascribed to that term under Section 3 of the Ambulatory Surgical Treatment Center Act [210 ILCS 5/3].

"Confidential Information" means that information which the Council has defined to be confidential in 77 Ill. Adm. Code 2510.80.

"Council" means the Illinois Health Care Cost Containment Council created by the Act.

"Executive Director" means the chief operating officer of the Council.

"File", "filed", "filing" means, with respect to reports, statements and documents required to be filed with the Council:

- 1) delivery to the principal office of the Council by the close of business of the prescribed filing date;
- 2) delivery to the branch office of the Council by the close of business of the prescribed filing date; or
- 3) deposit with the United States Postal Service, postage prepaid, addressed to either the principal or branch office of the Council, in sufficient time so that the mailed documents will arrive by the close of business of the prescribed filing date.

"Governor" means the Governor of Illinois.

"Hospital" means any institution, place, building, agency, public or private, whether organized for profit or not-for-profit, which is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act [210 ILCS 85] (Ill. Rev. Stat., 1983, ch. 111-177, par. 142-et-seq.), and the University of Illinois Hospital as defined in the University of Illinois Hospital Act [110 ILCS 330] (AN ACT in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs, approved July 31, 1931, as amended (Ill. Rev. Stat., 1983, ch. 237, par. 1371-et-seq.)).

"Member" means a person appointed by the Governor to the Council created by the Act.

"Outpatient" means any health care service provided in a hospital to a patient who is not admitted as an inpatient to the hospital or in a licensed ambulatory surgical treatment center.

"Outpatient surgery" means specific procedures performed on an outpatient basis in a hospital or licensed ambulatory surgical

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treatment center that are listed in the Current Procedural Terminology (CPT) 1999 surgery section, codes 10000 through 69999, maintained and distributed by the American Medical Association (515 North State Street, Chicago IL 60610), no later amendments or additions; or those listed in the International Classification of Diseases, 9th edition, Clinical Modification (ICD-9-CM), Volume 3 procedures 01 through 86.99, maintained and distributed by the U.S. Department of Health and Human Services (available through HCFA, 5400 Data Court, Ann Arbor, Michigan 48108), no later amendments or additions.

(Source: Amended at 25 Ill. Reg. 2070.12 effective)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Price Information
- 2) Code Citation: 77 Ill. Adm. Code 2530
- 3) Section Numbers: Adopted Action:
2530.50 Repealed
- 4) Statutory Authority: Implementing Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].
- 5) Effective Date of Rulemaking: January 19, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill Reg 15398; 10/20/00
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: N/A
- 12) Have all changes agreed to by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will this rulemaking replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Since legislation was passed last year for the agency to collect outpatient surgical data on a full-time basis, the amendment will repeal the pilot study that was authorized by Public Act 89-554.

- 16) Information and questions regarding these adopted amendments shall be directed to:
Norman Roughley
Supervisor, Health Care Industry Relations
Provider Assistance Division
Illinois Health Care Cost Containment Council
4500 South Sixth Street Road, Suite 215
Springfield, Illinois 62703-5118
217/786-7001, extension 108

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCILPART 2530
HOSPITAL PRICE INFORMATION

Section	
2530.10	Price Information
2530.20	Posting Price Information
2530.30	Size and Place of Posting
2530.40	Reporting Information
2530.50	Outpatient Surgical Reporting Information Surveys (Repealed)

APPENDIX A Current Established Charges For Services

APPENDIX B Report of Current Charges for Outpatient Services and Procedures (Repealed)

AUTHORITY: Implementing Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12764, effective August 5, 1985; amended at 12 Ill. Reg. 20089, effective November 21, 1988; amended at 15 Ill. Reg. 1821, effective January 29, 1991; emergency amendment at 17 Ill. Reg. 14172, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5343, effective March 21, 1994; amended at 19 Ill. Reg. 12478, effective August 21, 1995; emergency amendment at 21 Ill. Reg. 3318, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 9008, effective June 27, 1997; amended at 25 Ill. Reg. 2475, effective June 27, 1997.

Section 2530.50 Outpatient Surgical Reporting Information Surveys (Repealed)

For the implementation of the pilot study as authorized in Public Act 89-5547, hospitals and ambulatory surgical treatment centers in Health Service Area XI shall report the prices of those outpatient surgical procedures identified by the Council for the twelve months ending December 31, 1996. The information required to be submitted pursuant to this Part shall be submitted on a survey form provided with the accompanying instructions to hospitals and ambulatory surgical treatment centers. The completed survey shall be returned to the Council by April 15, 1997.

(Source: Repealed at 25 Ill. Reg. 2475, effective June 27, 1997.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Penalties
- 2) Code Citation: 77 Ill. Adm. Code 2540
- 3) Section Numbers: Adopted Action:
2540.10 Amendment
2540.20 Amendment
2540.30 Amendment
- 4) Statutory Authority: Implementing Article V and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. V and 2-3].
- 5) Effective Date of Rulemaking: January 19, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill Reg 15401 - 10/20/00
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Did not italicize underlined text
- 12) Have all changes agreed to by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments provide the agency with authority to impose the same fines and penalties on hospitals and licensed ambulatory surgical treatment centers (ASTC's) that are required by law to submit outpatient surgical data to the agency that are currently in place for hospitals who are submitting inpatient data to the agency.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Norman Roughley

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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Supervisor, Health Care Industry Relations
 Provider Assistance Division
 Illinois Health Care Cost Containment Council
 4500 South Sixth Street Road, Suite 215
 Springfield, Illinois 62703-5118
 217/786-7001, extension 108

The full text of the adopted amendments begins on the next page:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
 PART 2540
 PENALTIES

Section

2540.10 Criminal Penalties
 2540.20 Referral to State's Attorney
 2540.30 Request for Injunction

AUTHORITY: Implementing Article V and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. V and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12778, effective August 5, 1985; amended at 12 Ill. Reg. 6114, effective March 21, 1988; emergency amendment at 16 Ill. Reg. 19223, effective November 25, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9713, effective June 10, 1993; amended at 19 Ill. Reg. 12485, effective August 21, 1995; amended at 25 Ill. Reg. 20702, effective JAN 10 2000.

Section 2540.10 Criminal Penalties

- a) Any individual hospital or licensed ambulatory surgical treatment center or other organization or entity willfully violating the provisions of the Illinois Health Finance Reform Act [20 ILCS 2215] or this Chapter promulgated by the Council, shall be guilty of a business offense punishable by a fine of \$10,000 and each day's violation shall constitute a separate offense. These penalties apply to all intentional breaches of patient confidentiality not authorized by statute or the Council. [20 ILCS 2215/5-2] (Ill-Rev-Stat--1984-Ch-11-172-par--6595-2)
- b) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall, upon the request of the Council, bring an action for an injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act. [20 ILCS 2215/5-2]

(Source: Amended at 25 Ill. Reg. 20702, effective JAN 10 2000)

Section 2540.20 Referral to State's Attorney

Whenever the Council is aware of the existence of probable cause to believe that a hospital or licensed ambulatory surgical treatment center is willfully violating any provisions of the Act or of this Chapter, it shall inform the State's Attorney of the county in which the alleged violation occurred of the facts known to the Council concerning the alleged violation.

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(Source: Amended at 25 Ill. Reg. 2178, effective 10/1/95)

Section 2540.30 Request for Injunction

- a) Whenever the Council finds that it is necessary in order for the Council to effectively perform its duties pursuant to the Act, it may request the State's Attorney of the county in which an alleged violation of the Act or this Chapter occurred, or the Attorney General, to bring an action for injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act or this Chapter.
- b) The Council will send two warning letters to hospitals or licensed ambulatory surgical treatment centers who are out of compliance with its requirements for the correct submission of financial data or ~~and~~ UB-9282/HCPA 1450 or HCPA 1500 data as set forth in 77 Ill. Adm. Code 2510. The letters will be sent within 60 days after ~~of~~ the time the hospital or licensed ambulatory surgical treatment center is determined to be out of compliance. ~~The first letter will be being sent no later than 20 days and the second letter no later than 40 days after the hospital or licensed ambulatory surgical treatment center is determined by the Council to be out of compliance. The letters will be sent certified mail return receipt requested.~~
- c) The first letter will be a reminder that data are due. The final letter will indicate that, if the hospital or licensed ambulatory surgical treatment center does not provide a satisfactory response within ten days, ~~that~~ the Council shall request an injunction.
- d) A satisfactory response from a hospital or licensed ambulatory surgical treatment center shall be the submission of the late data or a response acceptable to the Council from the hospital or licensed ambulatory surgical treatment center demonstrating that either compliance is impossible or that the hospital or licensed ambulatory surgical treatment center is actively undertaking those steps necessary to submit the late data. Compliance is impossible when the Council determines that it would constitute a burden outweighing the benefit to the public that would be obtained by the submission of the data.

(Source: Amended at 25 Ill. Reg. 2178, effective 10/1/95)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Environmental Health Practitioner Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1247
- 3) Section Numbers: 1247.55 Adopted Action: New Section
- 4) Statutory Authority: Environmental Health Practitioner Licensing Act [225 ILCS 37].
- 5) Effective Date of Amendment: January 22, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 13, 2000, at 24 Ill. Reg. 14997.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Section 1247.55 adds a definition of "direct supervision".
- 16) Information and questions regarding this adopted amendment shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1247
ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

- Section
1247.10 Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather) (Repealed)
1247.20 Application for Examination/Licensure
1247.30 Examination
1247.40 Approved Programs of Environmental Health Practitioners
1247.50 Experience
1247.55 Definition of Direct Supervision
1247.60 Endorsement
1247.70 Renewal
1247.75 Fees
1247.80 Inactive Status
1247.90 Restoration
1247.100 Continuing Education
1247.110 Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 20 Ill. Reg. 2400, effective January 29, 1996; amended at 21 Ill. Reg. 16038, effective November 24, 1997; amended at 22 Ill. Reg. 15612, effective August 12, 1998; amended at 24 Ill. Reg. 537, effective December 31, 1999; amended at 25 Ill. Reg. 20827, effective 11/22/01

Section 1247.55 Definition of Direct Supervision

A person can perform the functions and duties of an environmental health practitioner under the direct supervision of a licensed environmental health practitioner or licensed professional engineer if that person is not responsible for the administration or supervision of one or more employees engaged in an environmental health program. (Section 16(1) of the Act)

a) Pursuant to Section 16(1) of the Act, the term "direct supervision" means that a licensed environmental health practitioner or licensed professional engineer shall be responsible for all actions of the unlicensed exempt individual in the performance of his/her duties.

b) The supervisor shall be responsible for, but not be limited to, the following:

- 1) Conducting performance evaluations on the technical application of environmental health practices;
- 2) Documenting that the work performed by the exempt individual has

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been reviewed on a routine basis;
3) Documenting that routine communication regarding environmental health practices has taken place between the supervisor and the exempt individual.

(Source: Added at 25 Ill. Reg. 20827, effective 11/22/01)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Roofing Industry Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1460
- 3) Section Numbers:
- | | |
|---------|-----------------|
| 1460.10 | Adopted Action: |
| 1460.30 | Amendment |
| 1460.40 | New Section |
| 1460.50 | Amendment |
| 1460.50 | Amendment |
| 1460.60 | Amendment |
- 4) Statutory Authority: Illinois Roofing Industry Licensing Act [225 ILCS 335].
- 5) Effective Date of Amendments: January 22, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: October 13, 2000, at 24 Ill. Reg. 15001
- 10) Has JCAR issued a Statement of Objection to these Rulemakings? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 89-387 restored the requirement that roofing contractors obtain a bond; Section 1460.30 clarifies the specifics of the bonding requirement. In addition, the requirements for restoration in Section 1460.50 have been amended for clarification and consistency with other professions regulated by the Department. Various technical changes have also been made.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813
Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1460

ILLINOIS ROOFING INDUSTRY LICENSING ACT

Section

1460.10 Application for Certification

1460.20 Liability Insurance Requirements

1460.30 Bonding Requirements

1460.40 Renewals

1460.50 Restoration

1460.60 Cancellation of Certification

1460.70 Definition of Roofing

AUTHORITY: Implementing the Illinois Roofing Industry Licensing Act and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105-15(7)].

SOURCE: Emergency Rules adopted at 10 Ill. Reg. 10284, effective July 1, 1985, for a maximum of 150 days; rules adopted at 10 Ill. Reg. 1237, effective January 3, 1986; amended at 11 Ill. Reg. 6246, effective March 18, 1987; transferred from Chapter I, 68 Ill. Adm. Code 460 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1460 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2946; amended at 25 Ill. Reg. 2085.2, effective JAN 22/89.

Section 1460.10 Application for Certification

- a) Applications for certification under the Illinois Roofing Industry Licensing Act ("the Act") [225 ILCS 335] (~~Ill. Rev. Stat., 1985-Supp. 7 Ch. 117-par. 7501-et-seq.~~) shall be submitted to the Department of Professional Regulation ~~Registration-and-Education~~ (the "Department") on forms provided by the Department, along with the following documentation:

- 1a) Proof of liability insurance acceptable to the Department as specified in Section 1460.20 of this Part. Proof shall be a Certificate of Insurance; and
- 2b) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois Industrial Commission; and
- 3c) Proof that the applicant has obtained, or has applied for, an Illinois Unemployment Insurance employer identification number.

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Proof shall be either a notarized copy of the quarterly report (Form U-C 1 or U-C 3) issued to the applicant by the Department of Employment Security or a notarized copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number; and

- 4) Proof of a bond in the amount of \$5000 pursuant to Section 1460.30 of this Part; and
- 5) ~~4~~ The required fee of \$100. However, if the application is made subsequent to June 30 of any even numbered year, the fee shall be \$50. The fee shall not be refundable.

b) If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance. Such applicant shall include with the ~~his~~ application a sworn statement that he/she has no employees.

(Source: Amended at 25 Ill. Reg. 2085.2, effective JAN 22/89)

Section 1460.30 Bonding Requirements

- a) Each applicant for certification as a roofing contractor shall obtain, and maintain for the duration of the certification, a surety bond in the minimum amount of \$5000. The bond shall be for the performance of all work undertaken by the applicant in the course of the applicant's roofing contracting business and for the payment of damages during the course of such work that may be sustained by reason of negligence, misconduct, or violation of any laws, ordinances, rules, regulations or building codes governing the work.

- b) The bond shall be executed on a form provided by the Department or the bond provider.

- c) The bond shall state that it cannot be cancelled except upon written notification to the Department at least 30 days prior to the date of cancellation.

(Source: Added at 25 Ill. Reg. 2085.2, effective JAN 22/89)

Section 1460.40 Renewals

Each certification as a roofing contractor shall expire on June 30 of odd-numbered years and must be renewed prior to that date. Each application for renewal of certification as a roofing contractor shall be made on forms provided by the Department and shall be accompanied by:

- a) a sworn statement that the holder of the certification continues to comply with the requirements for insurance and bonding ~~specified in Section 3 of the Act (Ill. Rev. Stat., 1985, Ch. 117-par. 7503); and~~
- b) The required fee of \$50. The fee shall not be refundable.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 2008.5.7, effective 11/1/08)

Section 1460.50 Restoration

Applications for restoration of certifications as roofing contractors shall be made to the Department on forms provided by the Department.

a) ~~A certification which has lapsed for more than 90 days shall be restored upon payment of the required renewal fee of \$50. The fee shall not be refundable.~~

ab) A certification which has lapsed ~~for more than 90 days~~ shall be restored upon proof of insurance as required in Section 1460.20, bond as required in Section 1460.30, and payment of a fee of \$20 ~~plus~~ all lapsed renewal fees not to exceed \$170 ~~of \$50~~. The fee shall not be refundable.

(Source: Amended at 25 Ill. Reg. 2008.5.7, effective 11/1/08)

Section 1460.60 Cancellation of Certification

a) A certification as a roofing contractor shall be cancelled by the Department upon proof that the holder of the certification has failed to maintain the insurance and bonding requirements ~~specified in Section 3 of the Act and Section 1460.10 of this Part~~. Proof shall be notice to the Department of insurance cancellation.

b) The holder of a cancelled certification shall have the certification reissued upon application to the Department, on forms provided by the Department, and upon proof that he/she has satisfied the requirements of Section 1460.10 of this Part.

(Source: Amended at 25 Ill. Reg. 2008.5.7, effective 11/1/08)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Driving of Commercial Motor Vehicles

2) Code Citation: 92 Ill. Adm. Code 392

3) Section Numbers: Adopted Action:
392.2000 Amended

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]

5) Effective Date of Amendment: January 17, 2001

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13321

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: By this Notice, the Department is updating the incorporation by reference date of the CFR to the October 1, 1999 edition that is the most recent edition of the CFR.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 392
DRIVING OF COMMERCIAL MOTOR VEHICLES

Section

392.1000 General

392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 10359, effective June 15, 1994; amended at 19 Ill. Reg. 13038, effective August 30, 1995; amended at 20 Ill. Reg. 15330, effective November 18, 1996; amended at 23 Ill. Reg. 5093, effective March 31, 1999; amended at 24 Ill. Reg. 1942, effective January 19, 2000; amended at 25 Ill. Reg. 1000, effective January 17, 2001.

Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Commercial Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1999 #998. No later amendments to or editions of 49 CFR 392 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 25 Ill. Reg. 1000, effective

JAN 17 2001)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill Adm. Code 395
- 3) Section Numbers: Adopted Action:
395.2000 Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: January 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13324

- 10) Has JCAR issued a Statement of Objection to this amendment? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

- 13) Will this amendment replace an emergency amendment currently in effect?
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: By this Notice, the Department is updating the incorporation by reference date of the Code of Federal Regulations (CFR) to the October 1, 1999 edition that is the most recent edition of the CFR.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENT

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENT
TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 395
HOURS OF SERVICE OF DRIVERS

Section
395.1000 General
395.2000 Incorporation by Reference of 49 CFR 395

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 1, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 1202, effective January 17, 2001.

Section 395.2000 Incorporation by Reference of 49 CFR 395

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1999 1998, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
- 1) 49 CFR 395.1(h) and 395.1(i) are deleted and not incorporated.
 - 2) 49 CFR 395.1(e) as it applies to intrastate carriers is amended to establish that drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status. (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
 - 3) 49 CFR 395.13 is not incorporated and the following substituted therefor:
 - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENT

officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, 3, 4 or 5 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted. Notification to the motor carrier is accomplished when the Illinois State Police officer presents the Illinois Commercial Driver/Vehicle Inspection Report (Form ISP 5-238) to the driver.

B) Out-of-Service Criteria

- i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
- ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
- iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.

C) Responsibilities of motor carriers

- i) No motor carrier shall:
Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395;
Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for eight consecutive hours and is in compliance with this Section. The consecutive eight hour off duty period may include sleeper berth time.
- ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.

D) Responsibilities of the Driver:

- i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENT

may lawfully do so under the requirements of 49 CFR 395.

- ii) No driver who has been declared out-of-service, for failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for eight consecutive hours and is in compliance with this Section.
 - iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
 - iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.
 - 4) Part 395 shall not apply to agricultural movements that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law)
 - 5) Part 395 shall not apply to all farm to market agricultural transportation as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
 - 6) Part 395 shall not apply to any grain hauling operations that are engaged in intrastate commerce within a radius of 200 air miles of the normal work reporting location. (Section 18b-105(c)(6) of the Law)
- Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

(Source: Amended at 25 Ill. Reg. 2042-3 effective JAN 17 2004)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Inspection, Repair and Maintenance
- 2) Code Citation: 92 Ill. Adm. Code 396
- 3) Section Numbers: Adopted Action:
396.2000 Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: January 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13329
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department is updating the incorporation by reference date to the October 1, 1999 edition that is the most recent edition of the CFR.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 396
 INSPECTION, REPAIR AND MAINTENANCE

Section

396.1000 General
 396.2000 Incorporation by Reference of 49 CFR 396
 396.2010 Inspection of Vehicles in Operation

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992; amended at 18 Ill. Reg. 749, effective January 11, 1994; amended at 19 Ill. Reg. 13046, effective August 30, 1995; amended at 20 Ill. Reg. 15340, effective November 18, 1996; amended at 23 Ill. Reg. 5101, effective March 31, 1999; amended at 24 Ill. Reg. 1949, effective January 19, 2000; amended at 25 Ill. Reg. 2007, effective JAN 17 2001.

Section 396.2000 Incorporation by Reference of 49 CFR 396

- a) The Department incorporates "Inspection, Repair and Maintenance" (49 CFR 396) by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1999, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 396 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 396 shall apply for purposes of this Part.

- 1) 49 CFR 396.9 is deleted and not incorporated.
- 2) Any commercial motor vehicle used in intrastate commerce that is inspected semi-annually pursuant to Section 13-109 of the Illinois Vehicle Code (the Code) [625 ILCS 5/13-109] has complied with the periodic inspection procedures required by 49 CFR 396.17.

(Source: Amended at 25 Ill. Reg. 2007, effective JAN 17 2001.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Motor Carrier Safety Regulations: General

2) Code Citation: 92 Ill. Adm. Code 390

3) Section Numbers: Adopted Action:
 390.1020 Amended
 390.2000 Amended

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]

5) Effective Date of Amendments: January 17, 2001

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13332

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: The Department made various grammatical changes throughout the Part.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: By this Notice, the Department is, at Section 390.1020, updating references to the Code of Federal Regulations (CFR) to the October 1, 1999 edition that is the most recent edition of the CFR. Additionally, the definition of "North American Uniform Out-of-Service Criteria" is amended to clarify that, in Illinois, only qualified officers of the Illinois State Police and the federal government have authority to enforce out-of-service criteria. In some states, other qualified law enforcement officers (e.g., municipal or county officers) can and do enforce the criteria. This clarification is made at the request of a trucking association that found the existing language confusing.

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NOTICE OF ADOPTED AMENDMENTS

At Section 390.2000, the Department is updating the incorporation by reference date to October 1, 1999, including the federal rulemaking adopted at 65 FR 35287, June 2, 2000.

The Department's regulations incorporate changes made in the following Docket:

Docket FMCSA-98-3947 (65 FR 35287, June 2, 2000): Revised marking requirements for interstate commercial motor vehicles. Eliminated the marking regulations of the former Interstate Commerce Commission (ICC) and required motor carriers to apply marking requirements that conform to this Final Rule.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 390

MOTOR CARRIER SAFETY REGULATIONS: GENERAL

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section	Purpose
390.1000	General Applicability
390.1010	Definitions
390.1020	Rules of Construction
390.1030	

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section	Incorporation by Reference
390.2000	

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 24 Ill. Reg. 1954, effective January 19, 2000; amended at 25 Ill. Reg. 21111, effective 11/1/01.

SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section 390.1020 Definitions

The following definitions apply to all Parts in the IMCSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway that results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene

DEPARTMENT OF TRANSPORTATION

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of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo. (49 CFR 390.5, October 1, 1999~~1998~~)

"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 1-101.6 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-101.6])

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (49 CFR 390.5, October 1, 1999~~1998~~)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1999~~1998~~)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Code)

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1999~~1998~~)

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"Code" means the Illinois Vehicle Code [625 ILCS 5].

"Commerce" means trade, commerce or transportation within the State. (Section 1-111.4 of the Code)

"Commercial motor vehicle (CMV)" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds (4,537 or more kilograms); or the vehicle is designed to transport more than 15 passengers, including the driver; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18B-101 of the Law, ~~see--P.A. 91-179, effective January 17, 2000~~)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that includes each of the items specified under the North American Uniform Out-of-Service Criteria.

As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

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Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report.

Level 4 - Special Inspections: Inspections under this heading typically include a one-time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend.

Level 5 - Vehicle-Only Inspection: An inspection that includes each the vehicle inspection items specified under the North American Standard Inspection (Level 1), without a driver present, conducted at any location.

(Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1996)

"Commercial Vehicle Safety Alliance (CVSA)" means the association of state/territory (United States), provincial/territory (Canada), and federal (Mexico) officials responsible for the administration and enforcement of motor carrier safety and hazardous materials laws in the United States, Canada and Mexico working together with the federal governments and industry to improve commercial vehicle safety. (CVSA Operations Manual, January 1996)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1999#1998)

"Department" means the Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents. (Section 1-115.05 of the Code)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1,

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1999#1998)

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 1999#1998)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1999#1998)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1999#1998)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1999#1998)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, ice storm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens

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human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled motor vehicles. (49 CFR 390.5, October 1, 1999)

"Emergency relief" means an operation in which a motor carrier or driver of commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1999)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1999)

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

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"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Highway Administration (FHWA) in 49 CFR 372, subpart B. The descriptions are printed in Appendix F to the Federal Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1999)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 USC 10526). "Exempt motor carriers" are subject to the requirements set forth in the Illinois Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1999)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 1-119.6 of the Code)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that required the commercial motor vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm.

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"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 1999+1998)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days of the accident. (49 CFR 390.5, October 1, 1999+1998)

"Federal Highway Administrator" means the chief executive of the Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1999+1998)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission and those vehicles governed by Chapters 8 and 9 under the Code and regulated by the Secretary of State. (Section 1-122.5 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1999+1998)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 1999+1998)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle. (49 CFR 390.5, October 1, 1999+1998)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1999+1998)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in Appendix A to 49 CFR 172.101, List of Hazardous Substances and Reportable Quantities when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable

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quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in the table in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in Appendix A to 49 CFR 172.101. (49 CFR 390.5, October 1, 1999+1998)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 1999+1998)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (49 CFR 390.5, October 1, 1999+1998)

"Illinois Motor Carrier Safety Regulations (IMCSR)" means the requirements established in Parts 386, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (Section 1-130 of the Code)

"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1999+1998)

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"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. Pursuant to the Illinois Medical Practice Act [225 ILCS 60], the term only includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the IMCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 1, 1999)

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Highway Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5, October 1, 1999)

"Multiple-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. (49 CFR 390.5, October 1, 1999)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines established by the CVSA and recognized by all states, the provinces of Canada, and Mexico as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced in some states, by qualified law enforcement officers of a municipality, county, state or the federal government. In Illinois, only qualified officers of the Illinois State Police and the federal government have authority to enforce the out-of-service criteria.

"Operator" -- see driver.

"Other terms" -- any other term used in the IMCSR is used in its commonly accepted meaning, except where such other term has been

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defined elsewhere in the IMCSR. In that event, the definition therein given shall apply. (49 CFR 390.5, October 1, 1999)

"Out-of-service order" means a declaration by the Illinois State Police or by an authorized enforcement officer of a Federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 395.13, 49 CFR 396.9, or compatible laws, or the North American Uniform Out-Of-Service Criteria as defined in this Section. (49 CFR 390.5, October 1, 1999)

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns. (Section 18b-101 of the Law)

"Planting and harvesting season" means the period of February 1 through November 30 each year.

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, for purposes of identification under this Subchapter d. The motor carrier must make records required by 49 CFR 382 and 49 CFR 387, as well as Parts 390, 391, 395, 396, and 397 of this Subchapter d, available for inspection at this location within 48 hours (Saturdays, Sundays, and Federal or State holidays excluded) after a request has been made by a special agent or authorized representative of the Federal Highway Administration or the Illinois Department of Transportation. (49 CFR 390.5, October 1, 1999)

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier. (49 CFR 390.5, October 1, 1999)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, 1999)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, 1999)

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"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle. (49 CFR 390.5, October 1, 1999†1998)

"Regional Director of Motor Carriers" means the Director of the Office of Motor Carriers, Federal Highway Administration; for a given geographical region of the United States. (49 CFR 390.5, October 1, 1999†1998)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1999†1998)

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1999†1998)

"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (49 CFR 390.5, October 1, 1999†1998)

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter

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"Special agricultural movement equipment" means a vehicle of the second division having a corn sheller, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 2,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1999†1998)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1999†1998)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1999†1998)

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1999†1998)

"Truck" means any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 1999†1998)

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"Truck tractor" means a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1999+998)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1999+998)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 25 Ill. Reg. 0100' 1/1, effective JAN 17 2001)

SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section 390.2000 Incorporation by Reference

- a) 49 CFR 390, subparts B and D are hereby incorporated by reference as those subparts of the Federal Motor Carrier Safety Regulations (FMCSR) were in effect on October 1, 1999, as amended at 65 FR 35287, June 2, 2000 +998, subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B and D are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 390, subparts B and D shall apply for the purposes of this Subpart.

- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) 49 CFR 390.15 is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Highway Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Highway Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following is substituted therefor:

An emergency has been declared by a Federal, State or local government official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee.

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- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.
- 6) 49 CFR 390.29(b) is not incorporated and the following is substituted therefor:

All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

- 7) 49 CFR 390, subpart D applies only to commercial motor vehicles engaged in interstate commerce.
- 8) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 9) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 10) Any reference to a section in the incorporated material shall be read to refer to that Section in the IMSCR.
- 11) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 1999+998)

(Source: Amended at 25 Ill. Reg. 0100' 1/1, effective JAN 17 2001)

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- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Numbers: 393.2000
Adopted Action:
Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: January 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13360
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department is updating the incorporation by reference date of the Code of Federal Regulations (CFR) to the October 1, 1999 edition that is the most recent edition of the CFR.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212

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The full text of the adopted amendment begins on the next page:

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TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER 6: MOTOR CARRIER SAFETY REGULATIONS

PART 393
PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section
393.1000 General
393.2000 Incorporation by Reference of 49 CFR 393

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. 13070, effective August 30, 1995; amended at 20 Ill. Reg. 15362, effective November 18, 1996; amended at 23 Ill. Reg. 5124, effective March 31, 1999; amended at 24 Ill. Reg. 1974, effective January 19, 2000; amended at 25 Ill. Reg. 817.2, effective JAN 17 2001.

Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1999; ~~as amended at 64--PR 15588--March--317--1999~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.
 - 1) 49 CFR 393.93 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(1)]).
 - 2) 49 CFR 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)] and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).
 - 3) Authorized Illinois State Police shall place vehicles out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the vehicle out-of-service under the "North American Uniform Out-of-Service

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 25 Ill. Reg. 817.2, effective JAN 17 2001.)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures and Enforcement
- 2) Code Citation: 92 Ill. Adm. Code 386
- 3) Section Numbers: Adopted Action:
386.1120 Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18B]
- 5) Effective Date of Amendment: January 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13364
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Several grammatical changes were made to the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: By this Notice, the Department is adding to the criterion that must be met when a Notice of Intent to Assess Civil Monetary Penalty is issued. The addition includes a statement that if the respondent does not reply to the Notice of Intent to Assess Civil Monetary Penalty within 30 days of service upon the respondent, the Secretary of the Department will order the assessment of the civil penalty stated in the Notice. Some operators of commercial motor vehicles fail to respond to the Department's Notice of Intent to Assess Civil Monetary Penalty; therefore, this amendment is necessary to increase the likelihood that those carriers will respond or they will be automatically assessed the civil penalty.

DEPARTMENT OF TRANSPORTATION
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- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 386

PROCEDURES AND ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

386.1000 Scope
386.1010 Definitions
386.1020 Service
386.1030 Subpoenas

SUBPART B: ENFORCEMENT

Section

386.1040 Responsibility for Enforcement
386.1050 Investigations
386.1060 Inspection of Records and Motor Vehicles
386.1070 Out of Service
386.1080 Record of Inspection
386.1090 Warning Letter
386.1110 Maximum Penalties
386.1120 Commencement of Civil Penalty Proceeding
386.1130 Reply
386.1140 Payment of Penalty
386.1150 Request for Hearing
386.1160 Hearing
386.1170 Presiding Officer's Decision
386.1180 Assessment Considerations
386.1190 Appeal
386.1200 Willful Violations

SUBPART C: PUBLIC UTILITY EXEMPTIONS

Section

386.1300 Purpose and Scope
386.1310 Exemptions for a Public Utility
386.1320 Initial Exemptions: Application and Review
386.1330 Renewals
386.1340 Expiration and Termination of an Exemption
386.1350 Appeal

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B).

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SOURCE: Adopted at 14 Ill. Reg. 15542, effective September 10, 1990; amended at 18 Ill. Reg. 778, effective January 11, 1994; amended at 19 Ill. Reg. 13073, effective August 30, 1995; amended at 23 Ill. Reg. 5128, effective March 31, 1999; amended at 24 Ill. Reg. 1980, effective January 19, 2000; amended at 25 Ill. Reg. 249.4, effective January 19, 2001.

SUBPART B: ENFORCEMENT

Section 386.1120 Commencement of Civil Penalty Proceeding

- a) When the Department has reason to believe that a person has committed an act which is a violation of any provision of the MCSR or a settlement agreement, and having considered the nature, circumstances, extent and gravity of the violation, and with respect to a person believed to have committed such a violation, the degree of culpability and history of prior offenses or warning letters, the Department, by the Director or his authorized representative, shall begin a civil penalty proceeding by serving a Notice of Intent to Assess Civil Monetary Penalty, in accordance with Section 386.1020, on a person charging that person with having committed an act which is a violation of one or more provisions of these regulations or a settlement agreement.

- b) A Notice of Intent to Assess Civil Monetary Penalty issued under this Section shall include:

- 1) notice of the provision(s) of the MCSR or settlement agreement which the respondent is believed to have violated;
- 2) a brief description of the manner in which the respondent is believed to have violated the MCSR or settlement agreement;
- 3) notice of the maximum amount of civil penalty for which the respondent may be liable;
- 4) notice of the amount of the civil penalty sought to be assessed by the Department;
- 5) a description of the manner in which the respondent shall make payment in accordance with Section 386.1140 of any money to the State;
- 6) a statement that the respondent may request a conference with the Department, by verbal or written request to the Director, to review and discuss the alleged violation and civil penalty, and of the procedures for requesting a conference; **and**
- 7) a statement that if a settlement cannot be reached within 90 days, a Notice of Probable Violation will be served upon the respondent, and the respondent will have an opportunity for a hearing as provided by Section 18b-107(b) of the Law and Section 386.1160; and-
- 8) a statement that if the respondent does not reply to the Notice of Intent to Assess Civil Monetary Penalty within 30 days after its service upon the respondent, the failure of the respondent to reply constitutes a waiver of its right to appear and contest the

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

allegations, without further notice to the respondent, and authorizes the Secretary, without further notice to the respondent, to find the facts to be as alleged in the Notice of Intent to Assess Civil Monetary Penalty and order the assessment of the civil penalty stated in the Notice.

c) In the event that the Department and the respondent do not enter a settlement agreement following service of a Notice of Intent to Assess Civil Monetary Penalty, the Department by the Director shall serve a Notice of Probable Violation on the respondent.

d) A Notice of Probable Violation issued under this Section includes:

- 1) a statement of the provision(s) of the MCSR or of a settlement agreement which the respondent is believed to have violated;
- 2) a statement of the factual allegations upon which the proposed civil penalty is being sought;
- 3) notice of the maximum amount of civil penalty for which the respondent may be liable;
- 4) notice of the amount of the civil penalty sought to be assessed by the Department;
- 5) a description of the manner in which the respondent shall make payment of any money to the State in accordance with Section 386.1140;
- 6) a statement of respondent's right to request a hearing and the procedures for requesting a hearing in accordance with Section 386.1150; and
- 7) a statement of respondent's right to appear at the hearing and to present relevant written or oral explanations, information and materials in answer to the allegations or in mitigation of the penalty.

e) A settlement of a civil penalty proceeding may be effectuated at any time upon agreement of the parties, shall be reduced to writing by the Department and signed by the parties. Terms of the settlement may include a reduction in the amount of the proposed civil penalty, and may include training and procedural requirements agreed upon by the respondent and Department. Training and procedural requirements may be agreed upon to increase awareness of and compliance with the MCSR.

(Source: Amended at 25 Ill. Reg. 812.10, effective 1/1/01)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Qualification of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 391
- 3) Section Numbers: Adopted Action:
391.2000 Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Amendment: January 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13369
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: By this Notice, the Department is updating the incorporation by reference date of the Code of Federal Regulations (CFR) to the October 1, 1999 edition that is the most recent edition of the CFR.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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NOTICE OF ADOPTED AMENDMENT

The full text of the adopted amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 391
QUALIFICATION OF DRIVERS

Section

391.1000 General

391.2000 Incorporation By Reference of 49 CFR 391

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15560, effective September 10, 1990; amended at 15 Ill. Reg. 13189, effective August 21, 1991; amended at 16 Ill. Reg. 5362, effective March 23, 1992; amended at 16 Ill. Reg. 14715, effective September 14, 1992; amended at 18 Ill. Reg. 783, effective January 11, 1994; amended at 19 Ill. Reg. 13077, effective August 30, 1995; amended at 20 Ill. Reg. 15365, effective November 18, 1996; amended at 23 Ill. Reg. 5133, effective March 31, 1999; amended at 24 Ill. Reg. 1991, effective January 19, 2000; amended at 25 Ill. Reg. 0123, effective JAN 1 2000.

Section 391.2000 Incorporation By Reference of 49 CFR 391

- a) The Department hereby incorporates 49 CFR 391 by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1999 ~~1998~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.
- c) The following interpretations of, additions to and deletions from 49 CFR 391 shall apply for purposes of this Part.
- 1) Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020
 - 2) 49 CFR 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.
 - 3) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle with a gross vehicle weight rating or gross combination weight of over 12,000 lbs., used in the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor

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vehicle subject to the Illinois Motor Carrier Safety Regulations (IMCSR) and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of 49 CFR 391.41 by reason of the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner. (Section 18b-105 of the Law)

- 4) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle which either has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of between 10,000 and 12,001 pounds; or which is designed to transport more than 15 passengers, including the driver; or which has a GVWR or GCWR of less than 12,001 pounds and transports hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. The vehicle must be used in intrastate transportation. The driver must have been eligible and licensed to operate a motor vehicle subject to the IMCSR and engaged in operating such vehicle immediately prior to January 17, 1992. The driver must have been disqualified on January 17, 1992 by the adoption of Public Act 87-829 which made the IMCSR applicable to vehicles described above. The reason for disqualification must have been the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time. This exception does not apply to any driver who has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

- 5) 49 CFR 391.43(a) is not incorporated and the following substituted therefor:

Except as provided by 49 CFR 391.43(b), the medical examination shall be performed by a licensed medical examiner as defined in 92 Ill. Adm. Code 390.1020.

- 6) Physician assistants and advanced practice nurses can assist medical examiners in performing the medical examination. However, physician assistants and advanced practice nurses must work under the direction of a medical examiner and are prohibited from signing the medical examiner's certificate.

- 7) If a medical examiner determines that the driver is qualified to drive only in intrastate transportation due to the application of the provisions of Section 391.2000(c)(3) or 391.2000(c)(4) above, the following shall appear on the medical examiner's certificate: "Qualified only for intrastate transportation in Illinois."

- 8) 49 CFR 391.49(a) is not incorporated and the following substituted therefor:

A person who is not physically qualified to drive under 49

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CFR 391, and who is otherwise qualified to drive a commercial motor vehicle, may drive a commercial motor vehicle in interstate or intrastate transportation if the Regional Director, Motor Carrier Safety has granted a waiver to that person.

(Source: Amended at 25 Ill. Reg. 9123 effective 1/17/92)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Safety Fitness Procedures
- 2) Code Citation: 92 Ill. Adm. Code 385
- 3) Section Numbers: Adopted Action:
385.1000 New Section
385.1010 New Section
385.1020 New Section
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch.18B]
- 5) Effective Date of Rules: January 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13374

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: Several nonsubstantive technical changes were made to Section 385.1020.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will these rules replace emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: By this Notice, the Department has established a new Part 385 that prohibits motor carriers who receive an unsatisfactory safety rating from the Federal Motor Carrier Safety Administration (FMCSA) from operating the following commercial motor vehicles in Illinois:

A commercial motor vehicle transporting hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)] and the Illinois Hazardous Materials Transportation Regulations (92 Ill. Adm. Code 107 to 180); and

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A commercial motor vehicle designed to transport more than 15 passengers, including the driver.

This Part prohibits an interstate carrier from continuing to operate an intrastate-only operation if the carrier receives an unsatisfactory rating from the FMCSA.

The Department has been notified that a hazardous materials carrier whose interstate commercial motor vehicles were declared out-of-service by the FMCSA continued to operate its commercial motor vehicles within the State of Illinois. The Department was unable to take action against this carrier because the Department did not have authority to render the intrastate operations out-of-service pursuant to the FMCSA out-of-service order. This rulemaking provides the Department with that authority.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

The full text of the adopted rules begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 385

SAFETY FITNESS PROCEDURES

Section

385.1000 Purpose

385.1010 Definitions

385.1020 Unsatisfactory Rated Motor Carriers - Prohibition on Transportation of Hazardous Materials and Passengers

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 25 Ill. Reg. 2141.001, effective 1/1/99.

Section 385.1000 Purpose

This Part establishes procedures to prohibit motor carriers receiving a safety rating of "unsatisfactory" from the Federal Motor Carrier Safety Administration (FMCSA) from operating the following commercial motor vehicles in Illinois.

a) A commercial motor vehicle transporting hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)] and the Illinois Hazardous Materials Transportation Regulations [92 Ill. Adm. Code 107 to 180]; and

b) A commercial motor vehicle designed to transport more than 15 passengers, including the driver.

This Part applies to all motor carriers subject to the requirements of this Subchapter.

Section 385.1010 Definitions

As used in this Part:

"Commercial Motor Vehicle" has the same meaning as ascribed to it in 92 Ill. Adm. Code 390.1020.

"Compliance Review" means an on-site examination of a motor carrier's operations, such as the drivers' hours of service, maintenance and inspection, driver qualification, commercial drivers license requirements, financial responsibility, accidents, hazardous materials, and other safety and transportation records to determine whether a motor carrier meets the safety fitness standard. A

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compliance review may be conducted in response to a request to change a safety rating, to investigate potential violations of safety regulations by a motor carrier, to investigate complaints, or other evidence of safety violations. The compliance review may result in the initiation of an enforcement action. (49 CFR 385.3, October 1, 1999)

"Department" means the Illinois Department of Transportation.

"Federal Motor Carrier Safety Administration (FMCSA)" means an agency within the United States Department of Transportation.

"Out-of Service Order" means a prohibition against operating a commercial motor vehicle.

"Safety Management Controls" means the system, policies, programs, practices, and procedures used by a motor carrier to ensure compliance with applicable safety and hazardous materials regulations, that ensure the safe movement of products and passengers through the transportation system, and that reduce the risk of highway accidents and hazardous materials incidents resulting in fatalities, injuries, and property damage. (49 CFR 385.3, October 1, 1999)

"Safety Ratings" means:

A satisfactory safety rating means that a motor carrier has in place and functioning adequate safety management controls to meet the safety fitness standards prescribed in 49 CFR 385.5. Safety management controls are adequate if they are appropriate for the size and type of operation of the particular motor carrier.

A conditional safety rating means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that could result in occurrences listed in 49 CFR 385.5(a) through (k).

An unsatisfactory safety rating means a motor carrier does not have adequate safety management controls in place to ensure compliance with the safety fitness standard that has resulted in occurrences listed in 49 CFR 385.5(a) through (k).

An unrated carrier means that a safety rating has not been assigned to the motor carrier by the FMCSA. (49 CFR 385.3, October 1, 1999)

Section 385.1020 Unsatisfactory Rated Motor Carriers - Prohibition on Transportation of Hazardous Materials and Passengers

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- a) Upon written notification from the FMCSA to a motor carrier that it has received a final "unsatisfactory" rating by the FMCSA under 49 CFR 385, that motor carrier shall not operate the commercial motor vehicles listed in Section 385.1000 in Illinois.
- b) When a carrier subject to the prohibitions in Section 385.1000 is known to transport the property or passengers referred to in Section 385.1000 in Illinois, the Department will issue an order placing those operations out-of-service in Illinois. The order will be hand delivered to an Illinois office, if known to the Department, of the carrier and a copy served by certified mail return receipt requested on the carrier.
- c) Any motor carrier placed out-of-service by the Department pursuant to subsection (b) of this Section may appeal that order to the Secretary, who will investigate the matter.
- 1) Appeals shall be filed in writing with the Secretary no more than 20 days after the out-of-service order is served by hand delivery or certified mail return receipt requested on the carrier, whichever date is earlier. The appeal shall contain the reason for the appeal and a contact person's name, address and telephone number.
 - 2) The Secretary's designee will appoint a Department employee to investigate every appeal submitted to the Department in accordance with this Part. The operations declared out-of-service shall remain out-of-service in Illinois during the duration of the investigation.
 - 3) The Department's investigation will be concluded within 30 days after the receipt of the appeal by the Department.
 - 4) Within the 30 day investigative period, the Secretary will issue written notification to the petitioner indicating the Department's determination as to the correctness or incorrectness of the out-of-service order remaining in effect.
 - 5) The Department's written notification, served by certified mail return receipt requested, will include a statement of the facts relied upon and issues decided by the Department in making its determination. The Department's determination is considered administratively final.
 - d) Any motor carrier whose safety rating of "unsatisfactory" has become final under 49 CFR 385, that has been ordered out-of-service in Illinois by the Department and that has exhausted the appeal procedure or not timely filed an appeal under subsection (c) of this Section and that then willfully transports property or passengers in Illinois described in Section 385.1000 will be referred by the Department to a State's Attorney or the Attorney General for prosecution of a Class 3 felony.
 - e) Any person who willfully permits a motor carrier to transport property or persons in Illinois as described in subsection (d) of this Section will be referred by the Department to a State's Attorney or Attorney General for prosecution of a Class 3 felony.

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- f) The Department will rescind its out-of-service order issued under this Section within five business days after being notified that the FMCSA has rescinded the "unsatisfactory" rating or will not assign a final "unsatisfactory" rating to the motor carrier. After verification of the rescission from the FMCSA, written notification of the rescission will be sent within that time period by certified mail to the motor carrier.

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1) Heading of the Part: Transportation of Hazardous Materials; Driving and Parking

2) Code Citation: 92 Ill. Adm. Code 397

3) Section Numbers: Adopted Action:
397.1020 Amended

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]

5) Effective Date of Amendment: January 17, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 1, 2000, 24 Ill. Reg. 13381

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: By this Notice, the Department is updating the incorporation by reference date to the October 1, 1999 edition that is the most recent edition of the CFR.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Cathy Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 397

TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING

- Section
397.1000 General
397.1010 Application
397.1020 Incorporation By Reference of 49 CFR 397

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; codified at 8 Ill. Reg. 17986; recodified from 92 Ill. Adm. Code 397.Subchapter c at 14 Ill. Reg. 3281; Part repealed, new Part adopted at 14 Ill. Reg. 15496, effective September 10, 1990; amended at 15 Ill. Reg. 13158, effective August 21, 1991; amended at 18 Ill. Reg. 736, effective January 11, 1994; amended at 19 Ill. Reg. 13035, effective August 30, 1995; amended at 20 Ill. Reg. 15327, effective November 18, 1996; amended at 23 Ill. Reg. 5090, effective March 31, 1999; amended at 24 Ill. Reg. 1938, effective January 19, 2000; amended at 25 Ill. Reg. 2137-03, effective JAN 17 2001.

Section 397.1020 Incorporation By Reference of 49 CFR 397

- a) The Department incorporates "Transportation of Hazardous Materials; Driving and Parking" (49 CFR 397) by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1991+998, subject only to the exceptions in subsections (b) and (c). No later amendments to or editions of 49 CFR 397 are incorporated.
- b) 49 CFR 397.1 is deleted and not incorporated.
- c) 49 CFR 397.2 is deleted and not incorporated.
- d) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- e) The following addition to 49 CFR 397 shall apply for purposes of this Part.
- Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 25 Ill. Reg. 2137-03 effective JAN 17 2001)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: High Risk Home Loans

- 2) Code Citation: 38 Ill. Adm. Code 345

- 3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 18871, December 29, 2000

- 4) Date, Time and Location of Public Hearing:

February 1, 2001
2:00 p.m. - 5:00 p.m.
James R. Thompson Center
Concourse Level Auditorium
100 W. Randolph
Chicago, Illinois 60601

- 5) Other Pertinent Information: This hearing will be conducted jointly with the Illinois Department of Financial Institutions and will pertain to amendments to rules promulgated by the Department of Financial Institutions under the Consumer Installment Loan Act, Illinois Credit Union Act, Sales Finance Agency Act and by the Office of Banks and Real Estate under the Illinois Savings and Loan Act of 1985, Residential Mortgage License Act of 1987, Savings Bank Act and rulemaking pertaining to High Risk Home Loans.

Testimony from any interested person, entity or organization will be heard. Oral testimony shall be limited to 3 minutes per person, entity or organization.

Written testimony in addition to or in lieu of oral testimony may be submitted to both Agencies prior to the expiration of the first notice period.

- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing may be directed to:

Jay R. Stevenson
Assistant Commissioner
Office of Banks and Real Estate
500 East Monroe
Springfield, Illinois 62701-1532
(217) 782-6169

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of Part: Illinois Savings and Loan Act of 1985
- 2) Code Citation: 38 Ill. Adm. Code 1000
- 3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 18881, December 29, 2000

4) Date, Time and Location of Public Hearing:

February 1, 2001
 2:00 p.m. - 5:00 p.m.
 James R. Thompson Center
 Concourse Level Auditorium
 100 W. Randolph
 Chicago, Illinois 60601

- 5) Other Pertinent Information: This hearing will be conducted jointly with the Illinois Department of Financial Institutions and will pertain to amendments to rules promulgated by the Department of Financial Institutions under the Consumer Installment Loan Act, Illinois Credit Union Act, Sales Finance Agency Act and by the Office of Banks and Real Estate Under the Illinois Savings and Loan Act of 1985, residential Mortgage License Act of 1987, Savings Bank Act and rulemaking pertaining to High Risk Home Loans.

Testimony from any interested persons, entity or organization will be heard. Oral testimony shall be limited to 3 minutes per person, entity or organization.

Written testimony in addition to or in lieu of oral testimony may be submitted to both agencies prior to the expiration of the first notice period.

- 6) Name and address of Agency Contact Person: Questions regarding the public hearing may be directed to:

Jay R. Stevenson
 Assistant Commissioner
 Office of Banks and Real Estate
 500 East Monroe
 Springfield, Illinois 62701-1532
 (217) 782-6169

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 18899, December 29, 2000

4) Date, Time and Location of Public Hearing:

February 1, 2001
 2:00 p.m. - 5:00 p.m.
 James R. Thompson Center
 Concourse Level Auditorium
 100 W. Randolph, Chicago, Illinois 60601

- 5) Other Pertinent Information: This hearing will be conducted jointly with the Illinois Department of Financial Institutions and will pertain to amendments to rules promulgated by the Department of Financial Institutions under the Consumer Installment Loan Act, Illinois Credit Union Act, Sales Finance Agency Act and by the Office of Banks and Real Estate under the Illinois Savings and Loan Act of 1985, Residential Mortgage License Act of 1987, Savings Bank Act and rulemaking pertaining to High Risk Home Loans.

Testimony from any interested person, entity or organization will be heard. Oral testimony shall be limited to 3 minutes per person, entity or organization.

Written testimony in addition to or in lieu of oral testimony may be submitted to both Agencies prior to the expiration of the first notice period.

- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing may be directed to:

Jay R. Stevenson
 Assistant Commissioner
 Office of Banks and Real Estate
 500 East Monroe
 Springfield, Illinois 62701-1532
 (217) 782-6169

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Register Citation on Notice of Proposed Rules: 24 Ill. Reg. 18917, December 29, 2000
- 4) Date, Time and Location of Public Hearing:

February 1, 2001
 2:00 p.m. - 5:00 p.m.
 James R. Thompson Center
 Concourse Level Auditorium
 100 W. Randolph
 Chicago, Illinois 60601

- 5) Other Pertinent Information: This hearing will be conducted jointly with the Illinois Department of Financial Institutions and will pertain to amendments to rules promulgated by the Department of Financial Institutions under the Consumer Installment Loan Act, Illinois Credit Union Act, Sales Finance Agency Act and by the Office of Banks and Real Estate under the Illinois Savings and Loan Act of 1985, Residential Mortgage License Act of 1987, Savings Bank Act and rulemaking pertaining to High Risk Home Loans.

Testimony from any interested person, entity or organization will be heard. Oral testimony shall be limited to 3 minutes per person, entity or organization.

Written testimony in addition to or in lieu of oral testimony may be submitted to both Agencies prior to the expiration of the First notice period.

- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing may be directed to

Jay R. Stevenson
 Assistant Commissioner
 Office of Banks and Real Estate
 500 East Monroe
 Springfield, Illinois 62701-1532
 (217) 782-6169

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 18942, December 29, 2000
- 4) Date, Time and Location of Public Hearing:

February 1, 2001
 2:00 p.m. - 5:00 p.m.
 James R. Thompson Center
 Concourse Level Auditorium
 100 W. Randolph
 Chicago, Illinois 60601

- 5) Other Pertinent Information: This hearing will be conducted jointly with the Illinois Office of Banks and Real Estate and will pertain to amendments to rules promulgated by the Department of Financial Institutions under the Consumer Installment Loan Act, Illinois Credit Union Act, Sales Finance Agency Act and by the Office of Banks and Real Estate under the Illinois Savings and Loan Act of 1985, Residential Mortgage License Act of 1987, Savings Bank Act and rulemaking pertaining to High Risk Home Loans.

Testimony from any interested persons, entity or organization will be heard. Oral testimony shall be limited to 3 minutes per person, entity or organization.

Written testimony in addition to or in lieu of oral testimony may be submitted to both agencies prior to the expiration of the first notice period.

- 6) Name and Address of Agency Contact Person:

Michael J. Cleary
 Deputy Counsel
 Illinois Department of Financial Institutions
 100 W. Randolph
 Suite 15-700
 Chicago, Illinois 60601
 312/814-2008

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 18953, December 29, 2000
- 4) Date, Time and Location of Public Hearing:
February 1, 2001
2:00 p.m. - 5:00 p.m.
James R. Thompson Center
Concourse Level Auditorium
100 W. Randolph
Chicago, Illinois 60601

5) Other Pertinent Information: This hearing will be conducted jointly with the Illinois Office of Banks and Real Estate and will pertain to amendments to rules promulgated by the Department of Financial Institutions under the Consumer Installment Loan Act, Illinois Credit Union Act, Sales Finance Agency Act and by the Office of Banks and Real Estate under the Illinois Savings and Loan Act of 1985, Residential Mortgage License Act of 1987, Savings Bank Act and rulemaking pertaining to High Risk Home Loans.

Testimony from any interested person, entity or organization will be heard. Oral testimony shall be limited to 3 minutes per person, entity or organization.

Written testimony in addition to or in lieu of oral testimony may be submitted to both Agencies prior to the expiration of the first notice period.

- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing may be directed to:

Michael J. Cleary
Deputy Counsel
Illinois Department of Financial Institutions
100 W. Randolph
Suite 15-700
Chicago, Illinois 60601
312/814-2008

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Sales Finance Agency Act
- 2) Code Citation: 38 Ill. Adm. Code 160
- 3) Register Citation to Notice of Proposed Rules: 24 Ill. Reg. 18964, December 29, 2000
- 4) Date, Time and Location of Public Hearing:
February 1, 2001
2:00 p.m. - 5:00 p.m.
James R. Thompson Center
Concourse Level Auditorium
100 W. Randolph
Chicago, Illinois 60601

5) Other Pertinent Information: This hearing will be conducted jointly with the Illinois Office of Banks and Real Estate and will pertain to amendments to rules promulgated by the Department of Financial Institutions under the Consumer Installment Loan Act, Illinois Credit Union Act, Sales Finance Agency Act and by the Office of Banks and Real Estate under the Illinois Savings and Loan Act of 1985, Residential Mortgage License Act of 1987, Savings Bank Act and rulemaking pertaining to High Risk Home Loans.

Testimony from any interested person, entity or organization will be heard. Oral testimony shall be limited to 3 minutes per person, entity or organization.

Written testimony in addition to or in lieu of oral testimony may be submitted to both Agencies prior to the expiration of the first notice period.

- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing may be directed to:

Michael J. Cleary
Deputy Counsel
Illinois Department of Financial Institutions
100 W. Randolph
Suite 15-700
Chicago, Illinois 60601
312/814-2008

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Register Citation to Notice of Proposed Amendments: December 29, 2000(24 Ill. Reg. 18999)
- 4) Date, Time and Location of Public Hearing:
 Tuesday, February 20, 2001
 10:00 a.m. to 12:00 noon
 Prescott E. Bloom Building
 First Floor Conference Room
 201 S. Grand Avenue East
 Springfield, Illinois 62763-0002

5) Other Pertinent Information: The Department is scheduling a public hearing in response to a request from the Illinois Pharmacists Association concerning the Department's proposed amendments on pharmacy services. The public hearing will be for the sole purpose of gathering public comment on the proposed rulemaking at 89 Ill. Adm. Code 140.445, 140.446 and 140.447. These amendments describe the Department's plan for more closely aligning drug costs under the Medical Assistance Program with pharmacy related expenditures by private sector payors and other states' Medicaid Programs.

Persons who plan to present testimony are asked to contact the following Department representative by letter, fax, telephone or e-mail prior to the date of the hearing. This prior notification of intent to present testimony is requested, but not required. Those who plan to attend the hearing, but will not be providing testimony, are also asked to contact the Department prior to the hearing.

Joanne Jones
 Office of the General Counsel, Rules Section
 Department of Public Aid
 201 South Grand Avenue East
 Springfield, Illinois 62763-0002
 Telephone: (217) 524-0081
 FAX: (217) 524-2397
 E-mail: AIDDI511@mail.idpa.state.il.us

Persons interested in presenting testimony are advised that the Department will adhere to the following procedures in the conduct of the hearings:

1. Testimony will be limited to the proposed rulemaking at 89 Ill. Adm. Code 140.445, 140.446 and 140.447 (24 Ill. Reg. 18999).
2. Persons will be recognized to present testimony in the order in which

DEPARTMENT OF PUBLIC AID

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- their notifications of intent to present testimony are received by the Department.
3. Persons presenting oral testimony are asked to provide a written (preferably typed) copy of their testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
4. Oral testimony on behalf of any individual, entity or association will be limited to ten minutes for the presentation of such testimony.
5. All testimony will conclude at the time specified for the end of the hearing. Any person presenting testimony at that time will be allowed to use the allotted time.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Sections 4-5(h) of the Residential Mortgage License Act of 1987 ("the Act") and 205 ILCS 635/4-5(h) (1998), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$5,000.00 dollars against The Mortgage Professionals of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder effective January 16, 2001.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2000 SECOND QUARTER SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 215/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Addition Modifications	Payroll Factor
Bond Premium Amortization	Property Factor
Dividends	Sales Factor
Interest	Transportation Services
Net Operating Loss	Other Rulings (Not Included Above)
Zero Coupon Bonds	Assessment
Other Rulings (Not Included Above)	Bankruptcy
Administrative Review	Base Income
Allocation	(Also See Addition Modifications,
(For Alternative Apportionment	Fringe Benefits, Subtraction
Rulings, See That Heading)	Modifications)
Alternative Apportionment	Books And Records
Amnesty	Bulk Sales: See Sales Outside The
Apportionment	Ordinary Course Of Business (Bulk
Financial Organizations	Sales)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2000 SECOND QUARTER SUNSHINE INDEX

Insurance Companies
(Also See Subtraction Modifications - Valuation Limitation)
Check Off Funds
Circuit Breaker
Claims For Refunds: See Refunds
Collection
Combined Unitary Return
(Also See Unitary)
Commercial Domicile
Compensations
Composite Returns
Confidentiality
Credits
Coal Research And Utilization
Credit For Replacement Tax Paid
Credit For Residential Real Property Taxes
Enterprise Zone Investment
Foreign Tax
High Impact Business Investment
Jobs Tax
Property Tax
Replacement Tax Investment
Research And Development
Training Expense
Other Rulings (Not Included Above)
Deficiencies
Definitions
Domestic International Sales Corporations (DISC's)
Elections: See Combined Unitary Return, Extensions, Unitary Enterprise Zones
(Also See Credits, Subtraction Modifications)
Erroneous Refund: See Refunds
Estates
Estimated Tax
Exempt Organizations
Exemptions
Extensions
Failure To File: See Penalties
Failure To Pay: See Penalties
Farmers: See Estimated Tax Return, Net Operating Loss

Business Income
Capital Gains (Losses)
Federal Returns
Fiduciaries
Financial Organizations: See Apportionment
Foreclosure
Foreign Sales Corporations (FSC's)
Foreign Tax: See Credits
Foreign Trade Zones: See Subtraction Modifications, Credits-Jobs Tax Forms
Fraud: See Penalties
Fringe Benefits
IRC s.s. 125 "Cafeteria" Plans
IRC s.s. 401(k) Plans
Other Rulings (Not Included Above)
Gain (Loss): See Capital Gains Valuation Limitation
Information Reports
Insurance Cos.: See Apportionment
Interest Income (Also see Addition Modifications, Subtraction Modifications)
Interest on Refunds and Deficiencies
International Tax Issues
IRC s.s. 338
Jeopardy: See Assessment
Judicial Review
Liens
Limited Liability Companies
Lottery
Medical Care Savings Accounts
Military (Also see Subtraction Modifications)
Miscellaneous
Modifications Additional: See Addition Modifications
Modifications Subtraction: See Subtraction Modifications
Mutual Funds: See Subtractions
Modifications
Net Income (Loss) and Net Loss Deduction (IITA s.s. 207) (Also See Base Income, Capital Gains (Losses), Combined Unitary

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2000 SECOND QUARTER SUNSHINE INDEX

And Net Operating Loss Deduction, Unitary)
Net Operating Loss And Net Operating Loss Deduction
Nexus: See Public Law 86-272/Nexus
Nonbusiness Income
Nonresidents: See Residency/
Nonresidency
Notice And Demand: See Notices
Notices
Nuclear Decommissioning Trust
Overpayments: See Refunds
(Also See Estimated Tax)
Partnerships
Payments
Payroll Factor: See Apportionment
Penalties
Failure To File (IITA s.s. 1001)
Failure To File Withholding Returns
(IITA s.s. 1004)
Failure To Pay (IITA s.s. 1002)
Failure To Pay Estimated Tax
(IITA s.s. 804)
Fraud (IITA s.s. 1002)
Reasonable Cause (IITA s.s. 1001)
Underpayment Of Tax (IITA s.s. 1005)
Other Rulings (Not Included Above)
Pensions (Also See Subtraction Modifications)
Political Organizations
Professional Athletes
Property Factor: See Apportionment
Property Tax: See Subtraction Modifications
Protest
Public Law 86-272/Nexus
Rate Of Tax
Real Estate Investment Trusts
Reasonable Cause: See Penalties
Refunds (Also See Subtraction Modifications)
Statute Of Limitations
Subpart F Income
Transportation Services
Valuation Limitation
Other Rulings (Not Included Above)

Other Rulings (Not Listed Above)
Regulated Investment Companies
Replacement Tax (Also See Credits)
Requirements Of Requests For Private Letter Rulings
Residency/Nonresidency
Returns (For Combined Unitary Return And Composite Return Rulings, See Those Headings
Amended Returns
Due Dates
Requirements To File
Short Period Returns
Other Rulings (Not Listed Above)
S Corporations
Sales Factor: See Apportionment
Sales Outside The Ordinary Course Of Business (Bulk Sales)
Seizure
Separate Accounting: See Alternative Apportionment
Signature
Specific Accounting
Statute Of Limitations: See Assess-ment, Collection, Deficiencies,
Subchapter 'S' Corporations: See Corporations
Subpart F Income: See Subtraction Modifications
Subtraction Modifications
Bond Premium Amortization
Enterprise And Foreign Trade Zones
Health Insurance Premiums Paid By The Self-Employed
Illinois Tax Refund
Interest On U.S. Government Obligations
Military
Money Market Mutual Funds
Pensions
Qualified Pension Plans
Real Estate Taxes
Employee Benefits
Exemptions
Personal Services Contracts

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2000 SECOND QUARTER SUNSHINE INDEX

Taxability in Other States (IITA s.s. 1405.2)
 Taxable Year Reciprocal Agreements
 Transferees Other Rulings (Not Listed Above)
 (Also See Sales Outside The Ordinary
 Course Of Business (Bulk Sales))
 Transportation Services:See
 Apportionment
 Trusts
 Uniform Penalty And Interest Act
 Unitary (Also See Combined Unitary
 Return)
 U.S. Government Obligations:See
 Subtraction Modifications
 Valuation Limitation
 Voluntary Disclosure Agreements
 Waiver On Assessments:See
 Assessment
 Withholding

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Services Office
 101 West Jefferson Street
 Springfield, Illinois 62794
 (217) 782-6996

APPORTIONMENT - OTHER RULINGS

IT 00-0096-GIL 12/28/2000 Response to survey on adoption of MTC regulations. (This is a GIL.)

BASE INCOME

IT 00-0095-GIL 12/21/2000 Investment income of an insurer is generally included in base income only to the extent it is included in federal adjusted gross income of the insurer. (This is a GIL.)

COLLECTION

IT 00-0077-GIL 10/06/2000 Innocent spouse relief may be appropriate to avoid offset of rebate payment against liability of spouse. (This is a GIL.)

CREDITS - OTHER RULINGS

IT 00-0082-GIL 10/19/2000 The credit for taxes paid to another state cannot exceed the Illinois tax payable on the amount of income that is actually double taxed. (This is a GIL.)

DEFINITIONS

IT 00-0094-GIL 12/06/2000 A single-member limited liability company that elects to be treated as a corporation for federal income tax purposes is a corporation for Illinois income tax purposes, and a single-member limited liability company that elects to have its existence disregarded will be disregarded for Illinois income tax purposes. (This is a GIL.)

ESTIMATED TAX

IT 00-0091-GIL 11/22/2000 An overpayment shown on a return and which the taxpayer properly elects to credit against the subsequent year's estimated tax liability will be treated as a timely payment of the first quarterly installment of estimated taxes due in that subsequent year. (This is a GIL.)

EXEMPTIONS

IT 00-0083-GIL 10/23/2000 Individuals are entitled to one exemption for each dependent allowed on their federal income tax returns. (This is a GIL.)

MISCELLANEOUS

IT 00-0078-GIL 10/10/2000 No Homeowners' Property Tax Relief rebate is payable to individual who was not eligible for a residential property tax credit for 1999. (This is a GIL.)

IT 00-0086-GIL 10/26/2000 No Homeowners' Property Tax Relief rebate is payable to individual who was not eligible for a residential property tax credit for 1999. (This is a GIL.)

NET INCOME (LOSS) AND NET LOSS DEDUCTION

IT 00-0087-GIL 10/26/2000 Corporation succeeding to tax the attributes of an acquired corporation under IRC Section 381 succeeds to Illinois net loss carryforwards of the acquired corporation. (This is a GIL.)

PUBLIC LAW 86-272/NEXUS

IT 00-0080-GIL 10/16/2000 Debt collection services are not protected by Public Law 86-272. (This is a GIL.)

IT 00-0081-GIL 10/18/2000 A corporation created under Illinois law is not protected from Illinois income tax by Public Law 86-272. (This is a GIL.)

IT 00-0097-GIL 12/29/2000 General guidance for determination of whether taxpayer performing services in Illinois has nexus for income tax purposes and whether taxpayer is required to withhold Illinois income tax from wages paid to employees. (This is a GIL.)

REFUNDS - STATUTE OF LIMITATIONS

IT 00-0089-GIL 11/03/2000 In general, refund claims for overpayment of withheld taxes must be filed no later than 3 years after the 15th day of the 4th month after the end of the year in which withheld. (This is a GIL.)

REFUNDS - OTHER RULINGS

IT 00-0084-GIL 10/24/2000 Checks not payable to the Department and not equal to the amount of money owed must be returned to the taxpayer within 15 days of receipt. (This is a GIL.)

SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS

IT 00-0002-PLR 10/06/2000 Sale of one of nine parcels of real property used in business, representing less than 50% of the value of the real property used in business, is not subject to bulk sales reporting requirements. (This is a PLR.)

SIGNATURE

IT 00-0085-GIL 10/25/2000 Tax return preparers may submit a photocopy signature on returns. (This is a GIL.)

SUBTRACTION MODIFICATIONS - ENTERPRISE ZONES AND FOREIGN TRADE ZONES

IT 00-0088-GIL 10/26/2000 Dividends paid by a Subchapter S corporation do not qualify for the subtraction for dividends received from an enterprise zone. (This is a GIL.)

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 00-0090-GIL 11/13/2000 Interest on bonds issued by Illinois agencies is exempt only if expressly provided by statute. (This is a GIL.)

UNIFORM PENALTY AND INTEREST ACT

IT 00-0075-GIL 10/02/2000 The late payment penalty for returns due on or after January 1, 2001, will change from 20% to a graduated rate based on the lateness of the payment. (This is a GIL.)

WITHHOLDING

IT 00-0092-GIL 11/27/2000 In general, an employer must withhold Illinois income tax from compensation paid in Illinois if federal income tax must be withheld from the compensation. (This is a GIL.)

WITHHOLDING - EMPLOYEE BENEFITS

IT 00-0076-GIL 10/03/2000 Response to general questions regarding withholding from pension plan contributions and distributions. (This is a GIL.)

WITHHOLDING - EXEMPTIONS

IT 00-0079-GIL 10/10/2000 The basic amount for exemptions increased for 2000. (This is a GIL.)

WITHHOLDING - OTHER RULINGS

IT 00-0093-GIL 11/30/2000 The principles for determining when compensation is paid in this State for withholding purposes are the same as those for determining when compensation is paid in this State for payroll factor purposes. (This is a GIL.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2001 REGULATORY AGENDA

a) Part (Heading and Code Citation): Solicitation for Charitable Payroll Deductions, 80 Ill. Adm. Code 2650

1) Rulemaking:

A) Description: Will make technical changes and changes to reflect addition of annuitants as class eligible to authorize withholding for SECA contributions

B) Statutory Authority: Public Act 91-0896, 5 ILCS 340/5

C) Scheduled meeting/hearing date: No hearings or meetings are scheduled

D) Date agency anticipates First Notice: Summer 2001

F) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Stephen W. Seiple, Chief Legal Counsel
Department of Central Management Services
720 Stratton Building
Springfield, Illinois 62706

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Access to Information, 2 Ill. Adm. Code 7511)

1) Rulemaking:

A) Description: Makes technical and clarifying changes. Amends schedule of fees.

B) Statutory Authority: 5 ILCS 140/1 et seq.

C) Scheduled meeting/hearing date: No hearings or meetings are scheduled

D) Date agency anticipates First Notice: Spring 2001

E) Effect on small businesses, small municipalities or not for profit corporations: Will establish fee schedule for requestors of public information

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2001 REGULATORY AGENDA

F) Agency contact person for information:

Stephen W. Seiple, Chief Legal Counsel
Department of Central Management Services
720 Stratton Building
Springfield, Illinois 62706

G) Related rulemakings and other pertinent information: Nonec) Part (Heading and Code Citation): Prompt Payment, 74 Ill. Adm. Code 9001) Rulemaking:A) Description: Delete provision to conform to change in lawB) Statutory Authority: 30 ILCS 540C) Scheduled meeting/hearing date: No hearings or meetings are scheduledD) Date agency anticipates First Notice: Spring 2001E) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Stephen W. Seiple, Chief Legal Counsel
Department of Central Management Services
720 Stratton Building
Springfield, Illinois 62706

G) Related rulemakings and other pertinent information: Noned) Part (Heading and Code Citation): Standard Procurement, 44 Ill. Adm. Code 11) Rulemaking:A) Description: Will make technical changes and changes to better reflect current policyB) Statutory Authority: 30 ILCS 500C) Scheduled meeting/hearing date: No hearings or meetings are scheduled

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2001 REGULATORY AGENDA

D) Date agency anticipates First Notice: Summer 2001

E) Effect on small businesses, small municipalities or not for profit corporations: Will make technical corrections and will attempt to simplify and better reflect policy

F) Agency contact person for information:

Stephen W. Seiple, Chief Legal Counsel
Department of Central Management Services
720 Stratton Building
Springfield, Illinois 62706

G) Related rulemakings and other pertinent information: None

ILLINOIS FARM DEVELOPMENT AUTHORITY

JANUARY 2001 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Illinois Farm Development Authority, 8 Ill. Adm. Code 1400, Sections 1400.146, 1400.147, and 1400.149

1) Rulemaking:

- A) Description: Policy changes are being made that affect Sections 1400.146, 1400.147, and 1400.149.

- B) Statutory Authority: 20 ILCS 3605/7

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: March 1, 2001

- E) Affect on small businesses, small municipalities or not for profit corporations: The changes make the guarantee programs more easily available to eligible borrowers.

- F) Agency contact person for information:

Laura A. Lanterman
Chief Financial Officer
Illinois Farm Development Authority
427 East Monroe Street, Suite 201
Springfield, Illinois 62701
217-782-5792

- G) Related rulemakings and other pertinent information: N/A

- b) Part (Heading and Code Citation): Illinois Farm Development Authority, 8 Ill. Adm. Code 1400, Sections 1400.130 and 1400.140

1) Rulemaking:

- A) Description: Sections 1400.130 and 1400.140 will be modified to be as comprehensive as the Authority's printed program guidelines.

- B) Statutory Authority: 20 ILCS 3605/7

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: May 1, 2001

- E) Affect on small businesses, small municipalities or not for profit corporations: No effect

ILLINOIS FARM DEVELOPMENT AUTHORITY

JANUARY 2001 REGULATORY AGENDA

- F) Agency contact person for information:

Laura A. Lanterman
Chief Financial Officer
Illinois Farm Development Authority
427 East Monroe Street, Suite 201
Springfield, Illinois 62701
217-782-5792

- G) Related rulemakings and other pertinent information: N/A

ILLINOIS DEPARTMENT OF HUMAN RIGHTS
JANUARY 2001 REGULATORY AGENDA

a) Part(s) (Heading of Code Citation): Joint Rules of the Department of Human Rights and the Human Rights Commission: Handicap Discrimination in Employment; 56 Ill. Adm. Code 2500

1) Rulemaking:

A) Description: These amendments will eliminate language duplicative of the Act, clarify unclear language, and correct outdated interpretations of the Act.

B) Statutory Authority: Implementing Section 2-102(A) and authorized by Sections 7-101(A) and 8-102(E) of the Illinois Human Rights Act [775 ILCS 2-102(A), 5/7-101(A) and 8-102(E)].

C) Scheduled meetings/hearing date: None scheduled at this time

D) Date agency anticipates First Notice: June 25, 2001

E) Affect on small businesses, small municipalities or not for profit corporations: All employers, labor organizations, public contractors and eligible bidders are subject to the Illinois Human Rights Act and its regulations.

F) Information concerning the regulatory agenda shall be directed to:

David T. Rothal
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago IL 60601
312/814-6242
T.D.D.: 312-263-1579

G) Related rulemaking and other pertinent information: None

LIQUOR CONTROL COMMISSION
JANUARY 2001 REGULATORY AGENDA

a) Part (Heading and Code Citation): Illinois Liquor Control Commission, 11 Ill. Adm. Code 100.

1) Rulemaking:

A) Description: A rule will be proposed to allow representation in any matters pending with the Commission by an individual licensee, limited or general partner licensee, corporate officer or director licensee or anyone designated via Power of Attorney.

B) Statutory Authority: 235 ILCS 5/3-12(a)(2)

C) Schedule of meeting/hearing date: None anticipated

D) Date Agency anticipates First Notice: As soon as possible

E) Effect on small businesses, small municipalities or not for profit corporations: No negative effect, could reduce expenditures for legal fees in matters before the Commission.

F) Agency contact person for information:

Anne T. Treonis
Staff Attorney
Illinois Liquor Control Commission
100 W. Randolph St., #5-300
Chicago IL 60601
(312) 814-2604
(312) 814-2241 fax

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs, 77 Ill. Adm. Code 3500

1) Rulemaking:

A) Description: The rule will be amended to require the Commission to issue completion cards with an issuance and expiration date to anyone that has successfully completed a course by an Illinois BASSET licensee. The rule will be amended to adjust the program time to take into account any new, innovative teaching methods. The rule will be amended to specify that a sanction of a fine, suspension or revocation can result if found to have violated any BASSET rules. The rule will be amended to mandate only those meeting the same Liquor Control Act eligibility requirements can be issued a BASSET license.

LIQUOR CONTROL COMMISSION

JANUARY 2001 REGULATORY AGENDA

- B) Statutory Authority: 235 ILCS 5/3-12(a)(2)
- C) Schedule of meeting/hearing date: None anticipated
- D) Date agency anticipates First Notice: As soon as possible
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
 Anne T. Treonis
 Staff Attorney
 Illinois Liquor Control Commission
 100 W. Randolph St., #5-300
 Chicago IL 60601
 (312) 814-2604
 (312) 814-2241 fax

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REVENUE

JANUARY 2001 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (IITA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209), the Dependent Care Assistance Credit (IITA Section 210), the reallocation of items under IITA Section 404, pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders, the earned income credit (IITA Section 212), net operating loss carryovers for individuals, offsets of refunds against other liabilities, statutes of limitations, and interest computations.

Part 100 will be amended by the addition of rules defining "financial organization" within the meaning of 35 ILCS 5/1501(a)(8) as amended by P.A. 89-711.

Part 100 will be amended by adding rules and amending existing rules governing the apportionment of business income under 35 ILCS 5/304.

Part 100 will be amended to update the provisions defining unitary business groups.

Part 100 will be amended to provide guidance for determining whether a nonresident has sufficient nexus to be subject to income taxation in Illinois.

Part 100 will be amended to clarify the rules governing the filing of composite returns by partnerships, Subchapter S corporations and Lloyds plans, and to provide guidance for the carryover of losses by partnerships and Subchapter S corporations.

Part 100 will be amended by adding rules providing guidance on the taxation of entities that are disregarded for federal income tax purposes, on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208 and on the issue of when a taxpayer is subject to tax in another state under IITA Section 303(f).

Part 100 will be amended by adding rules implementing the "innocent spouse" relief enacted in Public Act 91-541.

Part 100 will be amended by adding rules implementing IITA Section 405.

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Some rules changes will be made to Part 100, as a result of recent legislation, including legislation passed by the 92nd General Assembly and signed by the Governor after the date of publication of this Agenda. As a result of the adoption of P.A. 88-669, rules with respect to acceptance of substitute W-2s will be proposed. The Department will also amend Part 100 as the result of Federal Public Law 104-95 (prohibiting taxation of nonresidential retirement income). Pursuant to Federal P.L. 104-95, Part 100 will be revised to clarify that nonresident retirement income is exempt.

Part 100 will be amended to clarify issues in claiming the coal credits in IITA Section 206 and the research and development credit in IITA Section 201(k).

Part 100 will be amended to provide guidance for payment of estimated taxes during short taxable years during years in which marital status changes, and for computation of penalties.

Part 100 will be amended to clarify the documentation requirements for taxpayers claiming the training expense credit under Section 100.2150.

Finally, the Department will continue the updating and correction of Part 100.

B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

Paul S. Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794

DEPARTMENT OF REVENUE

JANUARY 2001 REGULATORY AGENDA

(217) 782-7055

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

A) Description: Part 110 will be amended to update rules as a result of Public Acts 91-377; 91-393; 91-425 and 91-732.

B) Statutory Authority: 35 ILCS 200/Arts. 6, 14, and 16

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing these rulemakings during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect local assessing officials.

F) Agency contact person for information:

Karen Alice Kloppe
Associate Counsel - Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-6996

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Real Estate Transfer Tax, 86 Ill. Adm. Code 120

1) Rulemaking:

A) Description: Part 120 will be amended (1) to correct form references, (2) to delete language made obsolete and redundant by the adoption of rulemaking adding Section 120.5, (3) to clarify procedures for the purchase of revenue stamps by recorders of deeds and registrars of title from the Department, and (4) to provide additional policy interpretations on common audit problems

DEPARTMENT OF REVENUE

JANUARY 2001 REGULATORY AGENDA

for taxpayers in Sections 120.10 and 120.20.

- B) Statutory Authority: 35 ILCS 200/31-1 through 31-70
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing both rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect any person or business entity transferring title to real estate unless specifically exempted under Section 31-45 of the Property Tax Code.
- F) Agency contact person for information:
Karen Alice Kloppe
Associate Counsel - Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-6996
- G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

1) Rulemaking:

- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law. Some of the highlights of these changes include:
 - 1. Revision of Section 130.330 (Manufacturing Machinery and Equipment exemption) to explain taxation of chemicals used in manufacturing, to reference significant decisional law (Van's Materials, Zenith), and to clarify the exemption as it applies to the production or manufacture of food;
 - 2. Revision of Section 130.125 (Nontaxable Transactions) to implement the provisions of P.A. 91-439, which provides an exemption for not-for-profit arts or cultural organizations organized and operated for the presentation or support of

DEPARTMENT OF REVENUE

JANUARY 2001 REGULATORY AGENDA

- arts or cultural programming, activities, or services;
- 3. Revision of Section 130.415 (transportation and delivery charges) to add examples;
- 4. Revision of Section 130.901 (Civil Penalties) to clarify penalties for overcollection in leasing situations;
- 5. Addition of New Section 130.2076 to include sales to purchasers performing contracts with governmental bodies;
- 6. Revision of Section 130.331 (MPC) to update issues that have arisen (acceptions certificates after sale has occurred);
- 7. Revision of Sections 130.1401 and 130.1405 (Resale Certificates) to clarify the consequences of knowing acceptance of invalid certificates of resale;
- 8. Revision of Sections 130.1301 and 130.1305 to clarify registration and reporting requirements for vendors at craft/antique malls;
- 9. Revision of Section 130.335 (Pollution Control) to discuss recent case law and procedures used to document exemption for low-sulfur dioxide emission coal-fueled devices;
- 10. Revision of Section 130.2155 (Vendors of Signs) to clarify Department's taxation of signage;
- 11. Revision of Section 130.2105 (Sellers of Newspapers) to clarify Department's change in policy; RE: Taxation of data that is downloaded electronically;
- 12. Revision of Section 130.310 (Food, Drugs - Medicines) to clarify the meaning of a medicinal claim; and
- 13. Revision of Section 130.1501 (Claims for Credit) to clarify the requirement of a vendor unconditionally repaying the vendee from whom tax was collected.

B) Statutory Authority: 35 ILCS 120

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending

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JANUARY 2001 REGULATORY AGENDA

Part 130 on a regular basis during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.

F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

- e) Part (Heading and Code Citation): Service Occupation Tax, 86 Ill. Adm. Code 140

1) Rulemaking:

- A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law. Specifically, the regulations will detail the various methods available to servicemen to handle their liability, and examples will be provided for each approach. The availability of "flow-through" exemptions, as applicable to each of these methods, will be explained. The regulations will also reflect the new low rate applicable to entities licensed under the Child Care Act of 1969 (P.A. 91-541), as well as the new thresholds established for taxpayers required to make payments by Electronic Funds Transfer (P.A. 91-541). Corrections to specific time limitations for bulk sales will also be made.

The Department will also continue the updating of Part 140.

B) Statutory Authority: 35 ILCS 115

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this

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year.

- E) Effect on small business, small municipalities or not for profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

- f) Part (Heading and Code Citation): Use Tax, 86 Ill. Adm. Code 150

1. Rulemaking:

- A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments and decisional law. Many of the changes contemplated for the Retailers' Occupation Tax Act regulations will also be made for corresponding Use Tax Act regulations. In addition, the rolling stock provisions (Section 150.310) will be amended to reflect the provisions of P.A. 91-541, which provide that taxation of property reverting to a lessor (under a lease of one year or longer) shall be determined by the property's fair market value at the time of reversion, not to exceed the original purchase price of the property that was paid by the lessor. Section 150.306 will be updated to reflect the Department's policy of the interim use exemption to certain motor vehicle lessors.

B) Statutory Authority: 35 ILCS 105

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.

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F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Service Use Tax, 86 Ill. Adm. Code 160

1) Rulemaking:

A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments and decisional law. Specifically, the regulations will explain the liabilities of service customers. These regulations will correspond to the Service Occupation Tax regulations, since the liabilities of service customers will generally be determined by the manner in which their service providers handle their tax liabilities. Examples will be provided for guidance.

B) Statutory Authority: 35 ILCS 110

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Service Use Tax.

F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

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h) Part (Heading and Code Citation): Automobile Renting Occupation Tax, 86 Ill. Adm. Code 180

1) Rulemaking:

A) Description: Amendments will be made to update the Automobile Renting Occupation Tax regulations to reflect new statutory developments. Technical correction necessary to allow for documentation of exemption for rentals that are reimbursed under manufacturers' warranties will be made.

B) Statutory Authority: 35 ILCS 155

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 180 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These rulemakings will affect persons subject to the Automobile Renting Occupation and Use Tax Act.

F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Taxes
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Automobile Renting Use Tax, 86 Ill. Adm. Code 190

1) Rulemaking:

A) Description: Amendments will be made to update the Automobile Renting Use Tax to delete subsection (b) of Section 190.130 to reflect the statutory change that deleted the exemption under subsection (b).

B) Statutory Authority: 35 ILCS 155

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 190 during the next six months of this year.
- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Automobile Renting Use Tax.
- F) Agency contact person for information:

George Sorensen

Deputy General Counsel - Sales and Excise Tax

Illinois Department of Revenue

101 W. Jefferson, 5-500

Springfield IL 62794

(217) 782-6996

- G) Related rulemakings and other pertinent information: None

- j) Part (Heading and Code Citation): Cigarette Tax, 86 Ill. Adm. Code 440

1) Rulemaking:

- A) Description: Amendments will be made to the Cigarette Tax regulations to add provisions regarding the procedures for revocation, suspension and denials of licenses.

- B) Statutory Authority: 35 ILCS 130

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 440 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Cigarette Tax.

- F) Agency contact person for information:

DEPARTMENT OF REVENUE

JANUARY 2001 REGULATORY AGENDA

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

- k) Part (Heading and Code Citation): Cigarette Use Tax, 86 Ill. Adm. Code 450

1) Rulemaking:

- A) Description: Amendments will be made to the Cigarette Use Tax regulations to add provisions regarding the procedures for revocation, suspension and denials of licenses.

- B) Statutory Authority: 35 ILCS 135

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 450 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Cigarette Use Tax.

- F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

- l) Part (Heading and Code Citation): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

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JANUARY 2001 REGULATORY AGENDA

A) Description: A regulation clarifying the definition of "service address" will be proposed and the Department's treatment of "bridging" services will be explained.

B) Statutory Authority: 35 ILCS 630

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Retailers of telecommunications will be affected by these regulations.

F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-7054

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

A) Description: Amendments will be made to update the Motor Fuel Tax regulations to define the term, "air carrier affiliate", as that term is used in administration of the Underground Storage Tank tax on receivers. Amendments may also be made to include provisions regarding the application of civil and criminal penalties for violations of the dyed diesel program.

B) Statutory Authority: 35 ILCS 505

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above there will be a number of rulemakings proposed with respect to Part 500 over the next six months. We anticipate filing rulemakings amending

DEPARTMENT OF REVENUE

JANUARY 2001 REGULATORY AGENDA

Part 500 on a regular basis during the second six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: Distributors, suppliers and receivers of motor fuel, as well as persons paying Motor Fuel Use Tax under the International Fuel Tax Agreement.

F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-6996

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Electricity Excise Tax, 86 Ill. Adm. Code 511 (New Part)

1) Rulemaking:

A) Description: New regulations will be added to implement the provisions of the Electricity Excise Tax Law (P.A. 90-561).

B) Statutory Authority: 35 ILCS 640

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 511 during the next six months of this year.

E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Electricity Excise Tax.

F) Agency contact person for information:

George Sorensen
Deputy General Counsel - Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794

DEPARTMENT OF REVENUE

JANUARY 2001 REGULATORY AGENDA

(217) 782-7054

G) Related rulemakings and other pertinent information: None

- o) Part (Heading and Code Citation): Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, 86 Ill. Adm. Code 530

1) Rulemaking:

- A) Description: Part 530 will be amended to update rules for the Property Tax Relief Program as a result of Public Act 91-699.

- B) Statutory Authority: 320 ILCS 25/1 through 13

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing this rulemaking during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will affect any person seeking a property tax grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

F) Agency contact person for information:

Karen Alice Kloppe
Associate Counsel - Property Tax
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-6996

G) Related rulemakings and other pertinent information: None

- p) Part (Heading and Code Citation): Salem Civic Center Retailers92 Occupation Tax, 86 Ill. Adm. Code 690

1) Rulemaking:

- A) Description: Amendments will be made to update the Salem Civic Center Retailers' Occupation Tax regulations concerning sales of coal.

DEPARTMENT OF REVENUE

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(217) 782-335

B) Statutory Authority: 70 ILCS 335

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 690 during the next six months of this year.

- E) Effect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Salem Civic Center Retailers92 Occupation Tax.

F) Agency contact person for information:

George Sorensen
Associate Chief Counsel
Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield IL 62794
(217) 782-6996

G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 17, 2001 through January 22, 2001 and have been scheduled for review by the Committee at its February 21, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
3/2/01	Department of Natural Resources, Open Space Lands Acquisition and Development Grant Program (17 Ill Adm Code 3025)	11/13/00 24 Ill Reg 16443	2/21/01
3/3/01	Department of Professional Regulation, Professional Boxing and Wrestling Act (68 Ill Adm Code 1370)	11/17/00 24 Ill Reg 16916	2/21/01
3/4/01	Department of Revenue, County Motor Fuel Tax (86 Ill Adm Code 695)	11/17/00 24 Ill Reg 16950	2/21/01
3/4/01	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	11/17/00 24 Ill Reg 16986	2/21/01
3/4/01	Department of Revenue, Service Occupation Tax (86 Ill Adm Code 140)	11/17/00 24 Ill Reg 17000	2/21/01
3/4/01	Department of Revenue, Service Use Tax (86 Ill Adm Code 160)	11/17/00 24 Ill Reg 17009	2/21/01
3/4/01	Department of Revenue, Revenue, Telecommunications Excise Tax (86 Ill Adm Code 495)	11/17/00 24 Ill Reg 17014	2/21/01
3/4/01	Department of Revenue, Use Tax (86 Ill Adm Code 150)	11/17/00 24 Ill Reg 17018	2/21/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

3/4/01	Legislative Information System, Purchasing (Repealer) (44 Ill Adm Code 575)	11/17/00 24 Ill Reg 16894	2/21/01
3/4/01	Legislative Information System, Public Information, Rulemaking and Organization (2 Ill Adm Code 150)	11/17/00 24 Ill Reg 16887	2/21/01

EXECUTIVE ORDERS

2001-1

**AN EXECUTIVE ORDER REGARDING EMERGENCY RELIEF
FROM THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS**

WHEREAS, severe cold weather continues to seriously affect supplies of petroleum products; and

WHEREAS, on December 15, 2000, I signed Executive Order 16 (2000), wherein I declared that a state of emergency exists in Illinois that required the temporary relief from regulations incorporated in the Illinois and federal statutes and regulations pertaining to the hour of service for motor carriers and drivers of commercial motor vehicles while transporting propane, heating oil and motor fuel; and

WHEREAS, the Executive Order 16 (2000) is in effect until 11:59 P.M. CST, January 3, 2001; and

WHEREAS, these severe weather conditions continue to create lengthy lines at propane terminals requiring delivery truck drivers, subject to federal Motor Carrier Safety Regulations, to expend several more 'on duty' hours waiting for their trucks to be loaded resulting in an inordinate loss of available driving time under current regulations; and

WHEREAS, this situation has resulted in distribution and delivery problems and has affected the availability of propane, heating and motor fuels which could threaten the health and safety of Illinois citizens due to the inability to deliver these fuels; and

WHEREAS, Section 390.23 of the federal Motor Carrier Safety Regulations provides that a Governor of a state may declare an emergency thereby exempting motor carriers or drivers operating a commercial motor vehicle from Parts 390 through 399 of the federal Motor Safety Regulations (49 CFR 390.223);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, hereby order the following:

1. A state of emergency still exists that requires relief from regulations incorporated in Illinois and federal statutes and regulations pertaining to hours of service for motor carriers and drivers of commercial motor vehicles, while transporting propane, heating and motor fuels (49 CFR, Part 395).
2. That nothing herein shall be construed to relieve motor carriers and drivers from regulations pertaining to qualifications of drivers, driving of commercial motor vehicles, or parts and accessories necessary for the safe operation of vehicles.
3. No motor carrier operating under the terms of this emergency order shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least eight consecutive hours off-duty before the driver is required to return to service.
4. Upon the expiration of the effective date of this emergency order, or when a driver has been relieved of all duty and responsibility to

EXECUTIVE ORDERS

2001-2

provide direct assistance to the emergency effort, a driver that has had at least 24 consecutive hours off-duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

5. That Executive Order Number 16 (2000) is hereby extended and shall remain in effect until 11:59 P.M. CST, January 17, 2001.

Issued by the Governor January 2, 2001.

Filed with the Secretary of State January 2, 2001.

EXECUTIVE ORDER CREATING ENERGY CABINET

WHEREAS, the State of Illinois must obtain and maintain an adequate and continuous supply of dependable, economical and safe energy for the people of the State in order to protect the health and welfare of its people and promote the State's economic growth; and

WHEREAS, the State of Illinois must encourage conservation practices and strive to promote the development and use within the State of renewable energy sources; and

WHEREAS, recent developments and volatility experienced in the energy market by citizens of this State and others throughout the nation demonstrates the need to develop and maintain a strong energy policy, and to create a framework for handling energy-related issues in the most effective manner; and

WHEREAS, because of the varied missions and responsibilities of the several State agencies with programs and policies that affect energy-related decisions and investments in Illinois, State government must do its part by developing a commitment to a fully coordinated and integrated process that will lead to better informed decisions, and to the establishment of comprehensive long-range goals, strategies and investments as part of an overall State energy policy;

THEREFORE, I, George H. Ryan, Governor of Illinois, hereby order the following:

1. There is created an Energy Cabinet, co-chaired by the Senior Advisor to the Governor on Environment and Natural Resources and the Senior Advisor to the Governor on Regulatory Affairs.
2. The Energy Cabinet Members shall include as permanent members: the Directors of the Department of Commerce and Community Affairs, Department of Natural Resources, Department of Nuclear Safety, Environmental Protection Agency, Department of Agriculture and the Chairman of the Illinois Commerce Commission. The Cabinet may also seek the ad hoc participation of other State departments, agencies, boards and commissions, public interest groups and private organizations, as necessary or appropriate.
3. The mission and objectives of the Cabinet will include, but not be limited to, the following:

EXECUTIVE ORDERS

- development of a more meaningful State energy policy.
 - coordination of key decisions impacting the continuous supply of dependable, economical and safe energy resources for the people of the State.
 - fostering, encouragement and promotion of alternative and renewable energy resources and energy efficiency developments and improvements.
 - identification and maximization of State, federal and private assistance for energy related problems and projects.
 - work with the General Assembly on key energy issues particularly those issues that may develop as the State continues to transition towards an electric services deregulated market.
4. The Energy Cabinet shall meet monthly, unless more frequent meetings are needed to effectively address developments in the State or nation that require a State response.
5. The Chairman of the Clean Energy Community Foundation will also be invited to participate in the Cabinet meetings when appropriate and as he or she wishes.

6. This Executive Order shall be effective immediately.

Issued by the Governor January 3, 2001.

Filed with the Secretary of State January 3, 2001.

PROCLAMATIONS

2000-632

JUNIOR LEAGUE OF GREATER DUKANE, INC. DAY

WHEREAS, the Junior League of Greater DuKane, Inc., an affiliate of the Association of Junior Leagues International, is an organization of women committed to promoting volunteerism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers; and

WHEREAS, the projects supported by the League touch on a wide range of needs within the community, emphasizing prevention and rehabilitative services; and

WHEREAS, projects supported by the League's membership include ChildServ, Glenwood School for Boys, DuPage Children's Museum, Kids on the Block, Opportunity Knocks, and Story Wizards; and

WHEREAS, women from DuPage, Kane, Kendall, and Will Counties of Illinois serve as volunteers, providing hours of valuable support and expertise in their local communities; and

WHEREAS, the Junior League of Greater DuKane, Inc. is celebrating its work to improve the quality of life for children at risk on February 24, 2001, at the annual gala Winterflight: "Le Cirque d'Hiver";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 24, 2001, as *JUNIOR LEAGUE OF GREATER DUKANE, INC. DAY* in Illinois.

Issued by the Governor December 28, 2000.

Filed by the Secretary of State December 29, 2000.

2000-633

PROFESSIONAL SOCIAL WORK MONTH

WHEREAS, the business of social work is helping people manage change; and WHEREAS, professional social workers use their education, training, and commitment to make a real difference in the lives of people; and

WHEREAS, professional social workers are found in the most amazing places, including Fortune 500 companies, courts, mental health centers, managed care companies, state and federal legislatures, schools, child welfare agencies, nursing homes, hospices, health care settings, employee assistance programs, and public and private agencies; and

WHEREAS, employers hire professional social workers because they provide compassionate services that also make good business sense; and

WHEREAS, professional social workers help individuals, families, and children cope with problems and prevent trouble, saving the community and the taxpayers money in the long run; and

WHEREAS, in recognition of professional social workers and all they do to increase the well-being of individuals and of society, members of the community are urged to join with the National Association of Social Workers in celebration and support of social workers and the social work profession;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim March 2001 as *PROFESSIONAL SOCIAL WORK MONTH* in Illinois.

Issued by the Governor December 28, 2000.

Filed by the Secretary of State December 29, 2000.

PROCLAMATIONS

2000-634

DICK MOTTERSHAW DAY

WHEREAS, Richard "Dick" Mottershaw has served the mining industry for more than 30 years, compiling an impressive record as a coal miner, safety trainer, and public servant, rising to Deputy Director at the Department of Natural Resources; and

WHEREAS, during his career, Dick so impressed his colleagues that he has been showered with numerous awards, too many to mention here, including a Lifetime Achievement Award from the Illinois Mining Institute; and

WHEREAS, Dick's lifelong focus has been safety, whether advancing to head of the Safety Department at Monterey Coal Company, serving on the State Miners Examining Board and the State Mining Board for a combined 25 years where he assisted with the development of safety training programs, or volunteering time to the Holmes Safety Association; and

WHEREAS, Dick has also dedicated himself to serving others through numerous industry, outdoors, and community and political organizations, recently being honored for his work with the Virden Fire Protection District; and

WHEREAS, as a sportsman and an avid rabbit hunter, Dick and one of his prize beagles reached the pinnacle of success, receiving the Illinois State Big Pack Best Combination Bench and Field and the Illinois State Big Pack First Place Field awards; and

WHEREAS, Dick realizes that he has everything that is important in life--the love and respect of his family and friends and his health (except for that pesky back); and

WHEREAS, Dick knows it is the wise man that quits while he is ahead, and so he has decided to retire and enjoy the fruits of all his labor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, offer my heartiest congratulations and proclaim January 31, 2001, as **DICK MOTTERSHAW DAY** in Illinois.

Issued by the Governor December 29, 2000.

Filed by the Secretary of State December 29, 2000.

2001-001

CHICAGO MUSIC AWARDS DAY

WHEREAS, the Chicago Music Awards has been the only organ that expressly honors Illinois entertainers in all music genres, including Pop, Rock, Blues, Jazz, Gospel, Country and Western, Comedy, Opera, Classical, Polka, Rhythm and Blues, Kids, Reggae, and other World Beat Music; and

WHEREAS, on February 10, 2001, Martin's Inter-Culture, in association with several sponsors such as Loop Lab School, WSD FM, African-Spectrum Magazine, Streetwise, Community Herbal Corner, Kingston Mines, Wild Hare, Rooster Blues, Caribbean Shipping and Postal Services, and Flame James will hold the 20th annual Chicago Music Awards Anniversary Ceremony at Congress Plaza Hotel; and

WHEREAS, the Chicago Music Awards was founded in 1981 by Ephraim M. Martin, a journalist-native of Jamaica, to honor and promote reggae and other world-beat music, arts, and cultures, and has now expanded so that all categories of music in Illinois can be better appreciated; and

PROCLAMATIONS

WHEREAS, the Chicago Music Awards encourages high standards of performance, conduct, and professionalism and exhibits the wealth of talents Illinois has to offer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 10, 2001, as **CHICAGO MUSIC AWARDS DAY** in Illinois.

Issued by the Governor January 5, 2001.

Filed by the Secretary of State January 12, 2001.

2001-002

CHRISTIAN HERITAGE WEEK

WHEREAS, the Preamble to the Constitution of the State of Illinois states that "We the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors....and secure the blessings of freedom and liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois"; and

WHEREAS, at the Constitutional Convention in 1787, Benjamin Franklin stated, "It is impossible to build an empire without our Father's aid. I believe the sacred writings which say that "Except the Lord build the house, they labor in vain that build it" (Psalm 127:1); and

WHEREAS, George Washington enunciated "animated alone by the pure spirit of Christianity, and conducting ourselves as the faithful subjects of our free government, we may enjoy every temporal and spiritual felicity"; and

WHEREAS, Thomas Jefferson, author of the Declaration of Independence, wrote "Can the liberties of a nation be secure when we have removed the conviction that these liberties are the gift of God?"; and

WHEREAS, James Madison, father of the U.S. Constitution, advocated "the diffusion of the light of Christianity in our nation" in his Memorial and Remonstrance; and

WHEREAS, Patrick Henry quoted Proverbs 14:34 for our nation, which says that "Righteousness alone can exalt a nation, but sin is a disgrace to any people"; and

WHEREAS, George Mason, in his Virginia Declaration of Rights, forerunner to our U.S. Bill of Rights, affirmed "that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other"; and

WHEREAS, these, and many other truly great men and women of America, giants in the structuring of American history, were Christian statesmen of caliber and integrity who did not hesitate to express their faith;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 16-22, 2001, as **CHRISTIAN HERITAGE WEEK** in Illinois.

Issued by the Governor January 5, 2001.

Filed by the Secretary of State January 12, 2001.

2001-003

DISASTER AREA-STATE OF ILLINOISGUBERNATORIAL PROCLAMATION

The cumulative effects of severe winter storms in the month of December

PROCLAMATIONS

2000 have caused hardships and threatened the health and safety of the public throughout the State of Illinois. Record and near-record snowfall in some regions of the State, combined with blowing snow, freezing rain, ice and frigid temperatures have resulted in hazardous travel conditions and school closings and have taxed State and local snow removal resources.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State and Federal resources and makes possible a request for a Federal Snow Emergency Declaration for those counties that suffered record or near-record snowfall.

Issued by the Governor January 5, 2001.

Filed by the Secretary of State January 8, 2001.

2001-004

SOUTH ELGIN AREA JUNIOR CHAMBER OF COMMERCE WEEK

WHEREAS, for the past 21 years, the South Elgin Area Junior Chamber of Commerce has been actively involved in the life of our community for the future development of community leaders in the State of Illinois; and

WHEREAS, the South Elgin Area Junior Chamber of Commerce participates in numerous humanitarian projects such as donating food, clothes, and toys to the needy; Christmas caroling to residents in care centers; bringing the Easter bunny and 1,000 colored eggs to residents; improving parks and playgrounds; and sending handicapped children to camp; and

WHEREAS, the South Elgin Area Junior Chamber of Commerce has adopted the basic tenets of purpose of brotherhood, free enterprise, government of laws, human personality, and service to humanity; and

WHEREAS, to celebrate their founding, the South Elgin Area Junior Chamber of Commerce is participating in Jaycee Week during the third week of January;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 21-27, 2001, as *SOUTH ELGIN AREA JUNIOR CHAMBER OF COMMERCE WEEK* in Illinois.

Issued by the Governor January 5, 2001.

Filed by the Secretary of State January 12, 2001.

2001-005

ST. SAVA DAY

WHEREAS, St. Sava endowed the Serbian Orthodox Church and the Serbian nation with the spirit and identity of a rich religious cultural heritage; and

WHEREAS, the religious cultural heritage of the Serbian Orthodox Church and Schools organized by St. Sava is a special contribution to Serbian culture; and

WHEREAS, St Sava is the patron saint of Serbian Orthodox Sunday Schools and children; and

WHEREAS, St. Sava was the first Serbian Bishop who organized the Serbian

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National Church in 1219; and

WHEREAS, St. Sava's love for the people of the Serbian Orthodox Church is the foundation of Serbian Orthodox Sunday School and its students; and

WHEREAS, the life and works of St. Sava shall be celebrated on or about January 27 by children of the Serbian Orthodox Church who honor and thank him with songs, poems, dances, and programs about his greatness;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 27, 2001, as *ST. SAVA DAY* in Illinois.

Issued by the Governor January 5, 2001.

Filed by the Secretary of State January 12, 2001.

2001-006

CAREER AND TECHNICAL EDUCATION WEEK

WHEREAS, the Illinois Association for Career and Technical Education has designated the week of February 11-17, 2001, as Career and Technical Education Week; and

WHEREAS, the theme for Career and Technical Education Week is "Want Career Success? Get Career Skills"; and

WHEREAS, career and technical education supplies Illinois with a strong, well-trained work force that enhances productivity in business and industry and contributes to the State's leadership on the national and international marketplace; and

WHEREAS, career and technical education stimulates the growth and vitality of businesses and industries by preparing workers for the occupations forecast to experience the largest and fastest growth in the next decade; and

WHEREAS, career and technical education serves individual citizens by enabling them to find satisfying careers suited to their own skills and interests, by providing technical skills that allow them to excel in their chosen careers. The Illinois Association for Career and Technical Education also teaches leadership skills that serve citizens on the job, at home and in the community; and

WHEREAS, a strong career and technical education program planned and carried out by trained career and technical educators is vital to the future economic development of our State and well-being of its citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 11-17, 2001, as *CAREER AND TECHNICAL EDUCATION WEEK* in Illinois.

Issued by the Governor January 8, 2001.

Filed by the Secretary of State January 12, 2001.

2001-007

DON SCHMITT DAY

WHEREAS, Don Schmitt has been an outstanding citizen and businessman in both the City of Waterloo and the State of Illinois; and

WHEREAS, Don Schmitt has been active in the community, serving as a lifetime member of the Lion's Club, President of the Waterloo Chamber of Commerce, founding member of the Waterloo youth baseball league and the Sts. Peter and Paul Church School Board; and

WHEREAS, the Waterloo Chamber of Commerce would like to thank Don for all

PROCLAMATIONS

his hard work and contributions to the community, as his countless good deeds and relentless efforts have helped make a difference to the citizens of Waterloo;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 20, 2001, as *DON SCHMITT DAY* in Illinois.

Issued by the Governor January 8, 2001.

Filed by the Secretary of State January 12, 2001.

**2001-008
ENGINEER'S WEEK**

WHEREAS, the engineering community of this State has provided a wealth of innovation in the fields of agriculture industry, transportation, construction, and education; and

WHEREAS, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

WHEREAS, in order to emphasize the role of professional engineers in our society, the 2001 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 18-24, 2001, as *ENGINEER'S WEEK* in Illinois.

Issued by the Governor January 8, 2001.

Filed by the Secretary of State January 12, 2001.

**2001-009
FOUR CHAPLAINS SUNDAY**

WHEREAS, each year a memorial program is sponsored by the Combined Veterans Association of Illinois. This year it is hosted by the Jewish War Veterans of the U.S.A.; and

WHEREAS, in a final act of love and dedication, four U.S. Army Chaplains representing the Methodist, Roman Catholic, Jewish, and Dutch Reformed faiths, gave their own life jackets, the only ones that remained, to four soldiers. The four chaplains then linked arms and prayed as they sank with the torpedoed U.S.S. Dorchester in the North Atlantic; and

WHEREAS, February 4, 2001, marks the 58th anniversary of "Four Chaplains Sunday," one of the most inspiring acts of heroism in World War II;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 4, 2001, as *FOUR CHAPLAINS SUNDAY* in Illinois,

Issued by the Governor January 8, 2001.

Filed by the Secretary of State January 12, 2001.

**2001-010
LAND SURVEYORS' MONTH**

WHEREAS, land surveying is one of the oldest technical services of mankind and our complex civilization depends more and more on surveyors' skills and accuracy to determine property rights and methods of design and construction; and

PROCLAMATIONS

WHEREAS, the surveying skills of George Washington, the Commander-in-Chief of our Revolutionary Forces, may have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected battle sites; and

WHEREAS, more than 80 years later when the states were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, was recognized as the "Savior of Our Country" after directing the campaigns that preserved our nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as *LAND SURVEYORS' MONTH* in Illinois in recognition of the two "Land Surveyor Presidents," George Washington and Abraham Lincoln, whose birthdays are observed this month.

Issued by the Governor January 8, 2001.

Filed by the Secretary of State January 12, 2001.

**2001-011
MOTORCYCLE AWARENESS MONTH**

WHEREAS, Illinois is a national leader in motorcycle education; and

WHEREAS, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and

WHEREAS, the program is supported by State motorcycle registration fees and has been responsible for training more than 159,000 cyclists; and

WHEREAS, there is a need to enhance public awareness of the increased presence of motorcyclists on our roadways;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2001 as *MOTORCYCLE AWARENESS MONTH* in Illinois.

Issued by the Governor January 8, 2001.

Filed by the Secretary of State January 12, 2001.

**2001-012
TREE CITY USA MONTH**

WHEREAS, the new millennium brings with it hope for cities with healthy and beautiful community forests; and

WHEREAS, 90 percent of Illinois municipal officials agreed that trees are important for maintaining a healthy community environment and enhancing the quality of life in a community; and

WHEREAS, trees provide citizens with the service of energy conservation, cooler summer temperatures, protection from winter winds, wildlife habitat, water runoff reduction, and oxygen; and

WHEREAS, the management of our urban and community forest resources contribute to a healthy environment, cost savings in community maintenance programs, enhanced tourism and local economy, sustainable cities, and safe communities; and

WHEREAS, management of our communities' urban forests is necessary to provide a safe place for our citizens; and

WHEREAS, managing trees in communities is not only a cost effective decision, but may also save lives; and

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WHEREAS, Illinois officials responsible for trees need sound technical input and guidance in managing the forest resources in and around their communities; and

WHEREAS, the State, urban, and community forestry program has been successful in building local capacities to manage the forest resources within our populated areas; and

WHEREAS, Illinois has been second in the nation for the number of Tree City USA Communities and number one in the nation for the number of communities achieving the "GROWTH AWARD"; and

WHEREAS, Tree City USA communities have made significant contributions toward enhancing the quality of life by improving the forest resources of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as **TREE CITY USA MONTH** in Illinois.

Issued by the Governor January 9, 2001.

Filed by the Secretary of State January 12, 2001.

2001-013

WILDLIFE REHABILITATION DAY

WHEREAS, the natural heritage of Illinois consists of a rich diversity of native wildlife; and

WHEREAS, the quality of life for Illinois citizens is enriched through interactions with our native wildlife; and

WHEREAS, Wildlife Rehabilitation has become a respected profession worldwide, committed to providing injured and orphaned wild animals a chance to return to their homes in the wild; and

WHEREAS, licensed Wildlife Rehabilitators across Illinois dedicate hours and funds to the rehabilitation of injured and orphaned wildlife; and

WHEREAS, licensed Wildlife Rehabilitators provide critical services to the general population of Illinois citizens, including the protection of human health and safety, natural resource education, and the care and nurturing of wildlife in peril; and

WHEREAS, Illinois citizens have a responsibility to carefully sustain the diversity and health of native wildlife populations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 27, 2001, as **WILDLIFE REHABILITATION DAY** in Illinois.

Issued by the Governor January 9, 2001.

Filed by the Secretary of State January 12, 2001.

2001-014

CASA/GAL CHILD ADVOCATE DAY

WHEREAS, the Illinois Supreme Court Appointed Special Advocate/Guardian ad Litem programs have established a distinguished record of public service through their work to enhance the quality of life for children; and

WHEREAS, there are 31 counties with a CASA/GAL program in Illinois; and

WHEREAS, CASA/GAL volunteers come from a variety of professional, educational and ethnic backgrounds and act as advocates for children who are victims of abuse and/or neglect in the complicated, unfamiliar and often

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frightening court and child welfare systems; and

WHEREAS, the court appoints CASA/GAL advocates to serve as officers of the court, helping to improve the quality of information presented to the court by acting as the court's eyes and ears in the child's life; and

WHEREAS, April 2001 is Child Abuse Prevention Month, a designation that reflects the purpose of CASA/GAL programs to protect and defend children from harm and ensure that abused and neglected children are provided with the court-ordered services they need;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 5, 2001, as **CASA/GAL CHILD ADVOCATE DAY** in Illinois.

Issued by the Governor January 10, 2001.

Filed by the Secretary of State January 12, 2001.

2001-015

RECORDS AND INFORMATION MANAGEMENT WEEK

WHEREAS, the Association of Records Managers and Administrators (ARMA) is a not-for-profit organization whose primary purpose is education in the field of records and information management, serving over 10,000 information management professionals in the United States, Canada, and over 30 other nations; and

WHEREAS, ARMA is sponsoring National Record and Information Management Week (NRIMW) April 1-7, 2001; and

WHEREAS, during NRIMW, all companies, government agencies, and organizations throughout the State are encouraged to check their records and retention schedules and clean out their file cabinets; and

WHEREAS, by performing these good business procedures, companies exert control over the information in their files and keep only their most important and active documents on site; and

WHEREAS, by eliminating file cabinets filled with inactive and obsolete documents, companies gain valuable and expensive office space, while also helping the environment by recycling quantities of used paper; and

WHEREAS, in support of the profession of Records and Information Management and NRIMW, all county departments and agencies are urged to join in the records clean up;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 1-7, 2001, as **RECORDS AND INFORMATION MANAGEMENT WEEK** in Illinois.

Issued by the Governor January 10, 2001.

Filed by the Secretary of State January 12, 2001.

2001-016

REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH

WHEREAS, Reflex Sympathetic Dystrophy Syndrome, also known as Complex Regional Pain Syndrome, affects more than six million Americans; and

WHEREAS, Reflex Sympathetic Dystrophy Syndrome (RSD) is an extremely painful neuro-muscular disease that is primarily characterized by intense, chronic, burning pain; and

WHEREAS, RSD results from an injury or trauma and can simultaneously affect the nerves, muscles, blood vessels, skin, joints and bones in

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progressively severe stages; and
 WHEREAS, detection and treatment are vital to preventing the disabling effects of RSD, which in its most severe stages can result in total dysfunction of an extremity or the entire body; and
 WHEREAS, in the State of Illinois thousands of men, women, and children suffer from RSD; and

WHEREAS, the RSDCare Network of Illinois offers support and vital information to the victims of the disease and their loved ones; and
 WHEREAS, the month of April marks a focused effort on behalf of the RSDCare Network of Illinois to increase the awareness of RSD in the hope of early diagnosis and treatment through information, support, and comfort to those afflicted with RSD, their families, and friends;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 2001 as **REFLEX SYMPATHETIC DYSTROPHY SYNDROME AWARENESS MONTH** in Illinois.

Issued by the Governor January 10, 2001.

Filed by the Secretary of State January 12, 2001.

2001-017

CHARLES EMMONS, JR. DAY

WHEREAS, Charles Emmons, Jr. is the Director of the Orchestras for Township High School District #113, which includes Highland Park and Deerfield High Schools; and

WHEREAS, in the 22 years that Charles Emmons has taught in Illinois, his orchestras have continually received superior ratings in music competitions, and his students have consistently earned placement in the Illinois All State Orchestras; and

WHEREAS, Charles Emmons has also served as a guest conductor of bands and orchestras at Interlochen Center for the Arts and the orchestra at the University of Wisconsin; and

WHEREAS, as a staunch supporter of the arts, Charles has earned a citation for excellence from the National Band Association, the 1991 Chicago and Outstanding Music Educator Award, the 1995 Outstanding Public School String Teacher Award, and was recognized in 1993 for special contributions to Township High School District #113; and

WHEREAS, his encouragement and excellent teaching have produced many fine, professional musicians and untold numbers of appreciative audiences; and
 WHEREAS, Focus On The Arts will honor Charles Emmons, Jr. on April 23, 2001, for his support of the arts and education;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23, 2001, as **CHARLES EMMONS, JR. DAY** in Illinois.

Issued by the Governor January 11, 2001.

Filed by the Secretary of State January 18, 2001.

2001-018

DR. CONSTANCE KIEFFER DAY

WHEREAS, Dr. Constance Kieffer is the Chairperson of the Fine and Applied Arts Department of Highland Park High School; and

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WHEREAS, as a public school administrator, Dr. Kieffer has filled a wide range of administrative roles and has 25 years of teaching experience, ranging from pre-school through the university level; and

WHEREAS, Dr. Constance Kieffer is a strong supporter of the arts and art curriculum in the high school, the community, and the State of Illinois; and

WHEREAS, Dr. Kieffer is a devoted worker, saving WPA murals in the State of Illinois and the entire country; and

WHEREAS, she has been instrumental in founding an organization to save and restore public art, and her writing on arts and education and public art is represented in many prestigious publications; and

WHEREAS, Focus On The Arts is honoring Dr. Kieffer on April 23, 2001, for her support of the arts and education, as well as her involvement in the arts community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23, 2001, as **DR. CONSTANCE KIEFFER DAY** in Illinois.

Issued by the Governor January 11, 2001.

Filed by the Secretary of State January 18, 2001.

2001-019

HIGH TECH MONTH

WHEREAS, National High Tech Month is an annual event focused on promoting awareness of the dramatic effect high-tech products and services have had, and will continue to have, on our lives as we go forward in the 21st Century; and

WHEREAS, National High Tech Month promotes awareness of high-tech education and solutions in the home and for business; and

WHEREAS, National High Tech Month is celebrated January 1-31 annually; and
 WHEREAS, the theme of National High Tech Month 2001 is the impact

technology is making on the public safety industry; and
 WHEREAS, National High Tech Month founder, Kathleen Quinn, gives recognition to organizations and/or persons using technology for the betterment of humanity; and

WHEREAS, the State of Illinois is committed to promoting technology awareness and expanding its image; and

WHEREAS, GeoSpatial Technologies, John Lim, CEO, and inventor Dr. Y. Hong Chou will be honored as the first recipients of the National High Tech Millennium Project Award for their Global Trax system which was first introduced in Chicago, Illinois, in August 2000 and which is being tested by Laidlaw Transportation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 2001 as **HIGH TECH MONTH** in Illinois.

Issued by the Governor January 11, 2001.

Filed by the Secretary of State January 18, 2001.

2001-020

ILLINOIS RIVER SYSTEM MANAGEMENT MONTH

WHEREAS, the Illinois River System is a critical component of our state's geography, history, economy, and ecology; and
 WHEREAS, many attributes are threatened as a result of the cumulative

PROCLAMATIONS

effects of human activities that have significantly altered the Illinois River system; and

WHEREAS, our State is embracing an integrated approach to large river management and is working in a coordinated and continuous manner for our rivers; and

WHEREAS, the implementation of the Illinois River Coordinating Council, the Conservation Reserve Enhancement Program, the Illinois Conservation 2000 Program, Illinois Rivers 2020, the Open Lands Trust Fund, and Illinois River Sweep are important milestones in efforts to protect the resources of the Illinois River; and

WHEREAS, the 2001 Conference on the Management of the Illinois River System is October 2-4 at the Holiday Inn City Center in Peoria; and

WHEREAS, the theme of the Conference is "The Illinois River: Partnerships for Progress, Restoration, and Preservation"; and

WHEREAS, citizens may take this day to recognize the economic, recreational, social, and environmental benefits of conserving to properly utilize the resources of the Illinois River Basin;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as **ILLINOIS RIVER SYSTEM MANAGEMENT MONTH**.

Issued by the Governor January 11, 2001.

Filed by the Secretary of State January 18, 2001.

2001-021

NICHOLAS JAMES PALAZZOLO DAY

WHEREAS, Nick Palazzolo, after serving in State government for five faithful and dedicated years, is moving on to bigger and better things for the CIA, codename IBM; and

WHEREAS, Nick has had the privilege to work for two Illinois governors, an achievement that most people will never accomplish; and

WHEREAS, Nick has moved up the ranks during his years in the governor's office, progressing from a lowly Dunn Fellow in the press office, to his current position as Deputy Press Secretary; and

WHEREAS, Nick's duties have included writing heart-wrenching, tear-jerking speeches, producing earth-shattering press releases, traveling to exotic and far off places, such as Bourbonnais and Pinckneyville, talking to (and occasionally avoiding) high-strung reporters who are "on a deadline," and running to and from the front office at the blink of an eye; and

WHEREAS, the Illinois State Fair and DuQuoin State Fair will never be quite the same without Nick there to run the governor's tent, take pictures, and run around like a mad man; and

WHEREAS, Nick's co-workers hope that IBM will be a little less stressful for young Nick, who on more than one occasion has said, "I think I need my pants!"; and

WHEREAS, Nick will now have to buy his own "beverages," as he will no longer have the convenience of the Legislative refrigerator; and

WHEREAS, the current Dunn Fellow, Amanda, is not sure why Nick is getting his own day proclaimed since he has never written, reviewed, mailed, or probably even seen a proclamation; and

WHEREAS, the bottom line is that Nick has been an important member of the

PROCLAMATIONS

Ryan Administration, always willing to go the extra mile to accommodate staff and co-workers. Everyone is sorry to see him go, we wish him continued success and the best of luck;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 12, 2001, as **NICHOLAS JAMES PALAZZOLO DAY** in Illinois.

Issued by the Governor January 11, 2001.

Filed by the Secretary of State January 18, 2001.

2001-022

SULLIVAN HIGH SCHOOL NEW GENERATION DAYS

WHEREAS, the Sullivan High School New Generation has been selected to represent the State of Illinois in the Branson Jubilee National Show Choir Invitational in Branson, Missouri, on April 26-29, 2001; and

WHEREAS, the Sullivan High School New Generation will be one of many schools that perform as part of the "American Musical Salute" program, which provides opportunities for America's outstanding student performing ensembles to tour and perform in historic locations worldwide, while commemorating the past and celebrating the present through music; and

WHEREAS, the Sullivan High School New Generation is directed by David Moellenkamp and was selected based upon superior performance ratings and recommendations of state and local music educators; and

WHEREAS, the town of Sullivan and Sullivan High School are proud of the New Generation choir on their hard work and success;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 26-29, 2001, as **SULLIVAN HIGH SCHOOL NEW GENERATION DAYS** in Illinois.

Issued by the Governor January 11, 2001.

Filed by the Secretary of State January 18, 2001.

2001-023

AFRICAN AMERICAN HISTORY MONTH

WHEREAS, Dr. Carter G. Woodson, coal miner, teacher, and author founded the Association for the Study of Afro-American Life and History, Inc. in 1915 in Chicago; and

WHEREAS, Dr. Woodson also initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of our city and country; and

WHEREAS, African American History Month is commemorated through out the month of February in Chicago with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops, and other expressions of creativity and pride; and

WHEREAS, Dr. Woodson's dream for the Association was to achieve sociological and historical data, publish books, promote the study of Black History through clubs and schools, and encourage racial harmony; and

WHEREAS, African American History inspires all Americans to be more aware of African Americans and their experiences and achievements in every area or endeavor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as **AFRICAN AMERICAN HISTORY MONTH** in Illinois.

PROCLAMATIONS

2001-026

VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY DAY

WHEREAS, the needs of children and families in the nation and in Illinois continue to challenge communities today, just as they have in the past; and
WHEREAS, the voluntary, not-for-profit child welfare agencies in communities throughout the state have provided numerous services to meet the needs of the abused, neglected, and troubled children, youth, and families throughout Illinois; and

WHEREAS, these agencies provide a full range of services to assist families in their own homes and in communities through family preservation programs, homemaker services, individual and family counseling, special education services, youth service programs, and day care; and

WHEREAS, these agencies assure that children have a safe, permanent living situation through foster care, adoption, relative home care, residential and group home care, and other intervention and treatment programs; and

WHEREAS, the State of Illinois recognizes and highly values the importance of a strong public and voluntary sector partnership for serving children and families;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 18, 2001, as **VOLUNTARY NOT-FOR-PROFIT CHILD WELFARE AGENCY DAY** in Illinois.

Issued by the Governor January 12, 2001.

Filed by the Secretary of State January 18, 2001.

2001-027

DELLS' EAGLES AWARDS DAY

WHEREAS, the Dells' Eagles Awards, presented by Motivating Individual Career Advancement (M.I.C.A.), is a non-profit organization committed to helping young adults reach their fullest potential; and

WHEREAS, M.I.C.A. and the Dells recognize the success of young adults between the ages of 31-35 who have made a significant contribution to the metropolitan Chicagoland area; and

WHEREAS, the Dells' mission is to provide educational assistance and personal development to economically disadvantaged youth and to encourage and assist young adults in the area of career advancement and development; and

WHEREAS, the Dells award scholarships to high school seniors who have excelled academically and plan to attend Historically Black Colleges and/or Universities; and

WHEREAS, selected recipients are also be honored in the arts, business, education, medicine, religion, science and technology, and volunteerism and community activism; and

WHEREAS, the first annual Dells' Eagles Awards will take place February 24, 2001, at the Matteson Holiday Inn;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 24, 2001, as **DELLS' EAGLES AWARDS DAY** in Illinois.

Issued by the Governor January 16, 2001.

Filed by the Secretary of State January 18, 2001.

PROCLAMATIONS

2001-024

MUNICIPAL CLERKS WEEK

WHEREAS, the office of the Municipal Clerk, a time-honored and vital part of local government, exists in countries throughout the world; and

WHEREAS, this office consistently and efficiently serves its local legislative body, the municipal staff and the general public by recording the actions of the Council, Commissions and Committees, while maintaining records for reference, inspection and preservation; and

WHEREAS, this office most often performs one or more additional important functions, including election administration, finance management, records administration and general administrative services; and

WHEREAS, the Municipal Clerk and staff have continuously updated their skills and technical knowledge to prepare for the challenges of the future; and
WHEREAS, it is appropriate that we recognize the accomplishments of this office and call the public's attention to the many services that it performs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 29-May 5, 2001, as **MUNICIPAL CLERKS WEEK** in Illinois.

Issued by the Governor January 12, 2001.

Filed by the Secretary of State January 18, 2001.

2001-025

REO SPEEDWAGON DAY

WHEREAS, for over two decades, REO Speedwagon's numerous albums have gone Gold and Platinum, and because of their popularity, the band continues to entertain old fans and attract new ones; and

WHEREAS, since the release of their first record in 1971, REO Speedwagon has produced 17 critically acclaimed albums, scored 13 top 40 singles (including two Billboard #1's), and sold over 40 million records; and

WHEREAS, the band has come a long way from their beginnings in a rented Chevy station wagon, playing bars across America to packing concert halls around the country and around the world; and

WHEREAS, the band was first formed in Champaign, Illinois, in 1968, by two University of Illinois students, Neal Doughty and Alan Gratzner; and

WHEREAS, at the beginning of their career, REO Speedwagon first started playing local bars in Champaign and have returned to Central Illinois for a special performance; and

WHEREAS, to commemorate REO Speedwagon's 30th anniversary in the Rock and Roll Industry, Mayor Jerry Schweighart of Champaign, Illinois, and the City Council, at the request of Paul Slovikoski, have passed a resolution naming a section of Main Street "REO Speedwagon Way" after the band;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 19, 2001, as **REO SPEEDWAGON DAY** in Illinois.

Issued by the Governor January 12, 2001.

Filed by the Secretary of State January 18, 2001.

PROCLAMATIONS

2001-028

FINANCIAL AID/ADMISSION AWARENESS MONTH

WHEREAS, the State of Illinois maintains a strong commitment to the intellectual growth and career development of its citizens; and

WHEREAS, the State of Illinois has fostered the development of an impressive complement of public and private programs of higher education; and

WHEREAS, a network of student financial assistance programs consisting of grants, scholarships, loans and work-study provides access to educational opportunities for thousands of citizens each year; and

WHEREAS, the Illinois Student Assistance Commission's (ISAC) responsibilities include administering grant, scholarship and loan programs and providing programs and initiatives to encourage families to begin saving early for post-secondary education; and

WHEREAS, the Illinois Student Assistance Commission, the Illinois Association of Student Financial Aid Administrator, Inc. and the Illinois Association for College Admissions Counseling are conducting a series of informational programs to boost parents' and students' awareness concerning college admissions and financial aid resources; and

WHEREAS, ISAC, the State's student financial aid community and the State's college admission community will assist families with the Free Application for Federal Student Aid by providing 52 FAFSA Workshops as a public service at sites throughout the State of Illinois during the month of February and provide a calendar of community programs and a wealth of college planning information for families with students of all ages on a web site at www.faaam.org;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 2001 as **FINANCIAL AID/ADMISSION AWARENESS MONTH** in Illinois.

Issued by the Governor January 16, 2001.

Filed by the Secretary of State January 18, 2001.

2001-029

ILLINOIS INTER-AGENCY ATHLETIC ASSOCIATION DAY

WHEREAS, the year 2001 marks the 25th anniversary of the Illinois Inter-Agency Athletic Association (IIAA); and

WHEREAS, the IIAA is a not-for-profit, therapeutic recreation program for boys and girls living in residential treatment centers that uses recreation and athletics to teach emotional control and social skills; and

WHEREAS, over 4,000 youth participated in IIAA events last year; and

WHEREAS, the IIAA offers seven sports programs: bowling, basketball, soccer, softball, swimming, track, and volleyball, and special events, such as arts and crafts exhibits and creative writing workshops throughout the year; and

WHEREAS, for the past 25 years, the IIAA has instilled important values and philosophies in our kids to teach them to try hard, have fun, and be good to each other; and

WHEREAS, to celebrate their 25th anniversary, the IIAA is holding a special awards banquet on January 25, 2001, to honor the founding board members, Thomas Newman, Father John Smyth, and Arloe Ted Amlong, who are still actively involved in IIAA activities;

PROCLAMATIONS

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 25, 2001, as **ILLINOIS INTER-AGENCY ATHLETIC ASSOCIATION DAY** in Illinois.

Issued by the Governor January 17, 2001.

Filed by the Secretary of State January 18, 2001.

2001-030

NORTH COOK COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY

WHEREAS, the North Cook County Soil and Water Conservation District was formed in 1950 under the leadership of Mr. Elmer Wentz and Mr. Alfred Landmeier; and

WHEREAS, the District works to protect natural resources through a variety of soil conservation and water quality protection programs; and

WHEREAS, the District staff provides landowners, developers, and municipal officials with information and technical assistance to prevent and correct natural resource related problems; and

WHEREAS, the District assists municipalities in developing conservation plans designed to prevent soil loss, reduce storm water runoff, reduce flooding, and otherwise operate in an environmentally sound manner; and

WHEREAS, the leadership of the North Cook County Soil and Water Conservation District and voluntary efforts of county landowners have reduced erosion on private property and have encouraged the adoption of erosion control ordinances for developing land; and

WHEREAS, the District helps promote sound stewardship among youths by giving third grade students in the county a tree on Arbor Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim February 22, 2001, as **NORTH COOK COUNTY SOIL AND WATER CONSERVATION DISTRICT DAY** in Illinois.

Issued by the Governor January 17, 2001.

Filed by the Secretary of State January 18, 2001.

2001-031

ROBERT TOALSON DAY

WHEREAS, for 30 years, Robert Toalson has sought to improve the quality of life for the residents of Champaign, putting Champaign's parks and recreation programs on the map locally, regionally, nationally, and internationally; and

WHEREAS, Robert Toalson's active involvement with the Champaign Park District as General Manager has brought open space, facilities, and beauty to the Champaign community, and he has planned for the future by ensuring green space for today's residents and tomorrow's generations; and

WHEREAS, as a member of the National Recreation and Park Association, American Park and Recreation Society, United Way of Champaign, and Kiwanis International, Robert Toalson has provided leadership to many community organizations and proven to be a dedicated worker, always acting in an ethical, fair, and sincere manner, both professionally and personally; and

WHEREAS, Robert Toalson is Champaign County's Most Valuable Citizen;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 20, 2001, as **ROBERT TOALSON DAY** in Illinois.

PROCLAMATIONS

Issued by the Governor January 17, 2001.
Filed by the Secretary of State January 18, 2001.

2001-032

THOMAS L. ARMSTEAD DAY

WHEREAS, Thomas L. Armstead has been the Illinois State Fire Marshal since 1991, and is the twentieth person to hold the position in the agency's 92-year history; and

WHEREAS, during his 10-year career as State Fire Marshal, the numbers of fire deaths and injuries have been significantly reduced throughout the State of Illinois; and

WHEREAS, Thomas Armstead was the motivating force responsible for creating the Firefighter Memorial at the State Capitol, as well as an annual award ceremony recognizing fire fighting heroes and duty deaths and establishing the Illinois Fire Museum located at the State Fairgrounds; and

WHEREAS, before joining the Office of the State Fire Marshall, Thomas served three years as facility fire safety coordinator for the Illinois Department of Corrections and 28 years with the Springfield Fire Department, where he held several leadership positions and served as Chief for three years; and

WHEREAS, during his term as Chief, Springfield was the first Insurance Service Office (ISO) Class 1 rated city in Illinois; and

WHEREAS, Thomas Armstead believes in visible, proactive leadership and organizational unity, concentrating on shared goals and resources to meet the responsibility to the people of the State of Illinois; and

WHEREAS, Tom's colleagues and co-workers at the Illinois State Fire Marshal will honor him for his dedicated years of service and celebrate his retirement on January 19, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 19, 2001, as THOMAS L. ARMSTEAD DAY in Illinois.

Issued by the Governor January 17, 2001.

Filed by the Secretary of State January 18, 2001.

Rules acted upon during the calendar year from Issue 01 through Issue 52 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 01 will be listed as 50-2500-01. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division of the Index Department, Office of the Secretary of State at 217-782-7017.

PROPOSED

8-290-02	35-101R-02	77-2500-05
11-510-04	35-101-02	77-2510-05
11-300-03	35-102R-02	77-2530-05
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11-1413-01	
14-140-04	